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## SPECIAL STATUS OF THE SEAFARER IN THE SYSTEM OF LABOR RELATIONS

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### Abstract

The article is devoted to the study of the special status of the seafarer in the system of labor relations. The objective features of labor relations with the participation of seafarers are consecrated, which give rise to the need to establish special norms that regulate the work of crew members of sea-going ships and determine the special status of a seafarer. Today, a significant number of seafarers' labor acts are in force at the international level and in Ukraine. The content of many of them is inconsistent either with each other or with the general norms of labor legislation, and often gives rise to all sorts of collisions. A number of problems arise due to the fact that the work of seafarers is regulated not only by labor legislation, but also by laws that are complex in nature (one example is the Merchant Shipping Code). The large regulatory framework creates certain difficulties in law enforcement practice, contributes to the commission of violations of the law. And the activities of seafarers are still governed by the norms of the general labor legislation, which requires changes taking into account modern realities and changes in the country and in the world. Relevant is it is necessary to regulate the activities of seafarers by special legislation.

**Key words:** seaman; special status; crew member of a sea vessel; labor legislation; labor relations; law enforcement practice.

# ОСОБЫЙ СТАТУС МОРЯКА В СИСТЕМЕ ТРУДОВЫХ ОТНОШЕНИЙ

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## Аннотация

Статья посвящена исследованию особого статуса моряка в системе трудовых отношений. Освящены, объективные особенности трудовых отношений при участии моряков, что порождают необходимость в установлении специальных норм, которые регламентируют труд членов экипажей морских судов и определяют особый статус моряка. На сегодняшний день на международном уровне и в Украине действует значительное количество актов о труде моряков. Содержание многих из них не согласуется ни между собой, ни с общими нормами трудового законодательства, часто порождает разного рода коллизии. Целый ряд проблем возникает из-за того, что труд моряков регулируется не только трудовым законодательством, но и законами, которые носят комплексный характер (одним из примеров является Кодекс торгового мореплавания). Большая нормативная база создает определенные сложности в правоприменительной практике, способствует совершению нарушений законодательства. И деятельность моряков по-прежнему регулируется нормами общего трудового законодательства, которое требует изменений с учетом современных реалий и изменений в стране и в мире. Актуальным есть необходимо регулировать деятельность моряков специальным законодательством.

**Ключевые слова:** моряк; особый статус; член экипажа морского судна; трудовое законодательство; трудовые отношения; правоприменительная практика.

**Presentation of the basic material.** The open sea is a beautiful landscape. But, of course, over time, he gets bored. And there are people who have inextricably linked their profession with these endless blue spaces. A sailor is a member of the crew of a civilian or military ship at sea. This concept includes people of different professions if they work on a ship that goes to sea. A sailor can be considered a cook, a scientist - an oceanographer, and a ship's captain, as well as a cleaner on deck, they all work far from shore [1]. This profession can include even those who do not know how to sail, but work on a ship, including a passing

team specially staffed group of workers and foremen of a shipbuilding or ship repair plant for mooring, running and state tests of the vessel, after which the acceptance certificate is signed. Specialists of the ship's crew during the test period perform the role of backups [2].

Scientists have determined that man went to sea 23,000 years ago, but it was impossible to call it professional navigation. Judging by the left drawings, people were only transported by primitive boats for short distances. And the first more or less professional sailors appeared 7000 years BC in the Red Sea and the Persian Gulf, they were small fishing vessels, which are likely to be born the first professional sailors. Therefore, on the basis of the historical-legal method, it can be seen that the navy existed in our country before our era, but it became more developed during the times of Kievan Rus, when ships were built in the likeness of Varangian boats.

At that time, sailors were already actively involved in trade and defense of the country. Since the emergence of developed shipping, the oceans have always been the main means of communication between peoples, the development of their trade and economic ties. In modern conditions, especially the merchant navy, carrying out the bulk of international freight, is most closely associated with all economic and structural changes in the world economy, with the development of individual countries and continents, with market conditions. It has long been known that the presence of a strong navy is the most important indicator of the state of the state's economy, an indicator of its role in the international economic community and prestige in the world. For Ukraine as a maritime state, the functioning of the maritime industry is of particular importance [1].

After the collapse of the Soviet Union, both the civilian and navy survived a period of ruin. After that, domestic specialists began to work under foreign flags. Ukrainian sailors can be found in various port cities around the world. A sailor is considered a common profession if the fleet is well developed. There are no extra sailors on the ship, everyone performs their functions. Such people must be willing to work away from home, be good at swimming and be good professionals in their field, because at sea help will have to wait a long time. Therefore, a person who wants to work on a ship that goes to sea must have skills that could be useful to the team at sea.

Sailor is a dangerous profession. The immunity of people living in different regions of the planet is different. Therefore, the ship's employees often arrive at a foreign port and suffer from overseas diseases. The weather at sea is also not always favorable and there is a danger of collapse. There are cases of piracy and kidnapping, even in Europe. However, it is forbidden to issue weapons to crews. A fire hose is all that is on a ship from a defense arsenal,

but working at sea is a romance, every day there is an opportunity to look into its vast expanses. Service on a ship is a great way to see distant lands. In addition, the air saturated with iodine ions is good for health.

It is known that specialties related to shipping can be obtained at numerous maritime, naval universities and academies. Specialists such as motorists, mechanics, cooks, doctors are educated in their specialized educational institutions, without prior training to work on the ship. After some practice, a qualified seafarer emerges from an ordinary land specialist. To become a sailor or motorcyclist, it is enough to complete a one-year course in seafaring school. Its graduates usually get jobs on Ukrainian ships, but those who want to work under a foreign flag need a satisfactory knowledge of English and work experience. Those who have decided to become a naval officer enter higher maritime educational institutions, where they study, gaining work experience during practice. There are also correspondence departments where sailors already work while studying. Graduates of maritime institutions have every chance to get a job in a foreign company. English is studied in depth in maritime schools: this language is recognized as an international language in the Navy. All documents are drawn up in English, radio negotiations are conducted, there is communication in mixed crews, recruited in different countries [3].

The deck crew prepares cargo holds and deck mechanisms for operation, is engaged in greasing, cleaning, painting. Deck officers chart the course, check the equipment, train the crew, carry a watch on the sea and monitor the loading of the ship in port. A sailor must be able to swim so that he can swim by himself and tow his unconscious companion. This is checked every five years. Sailors cannot be irresponsible: they are entrusted with too much. In terms of navigation, the effectiveness of professional activities of ship specialists is influenced by such socio-psychological factors as emotional stress, monotony, hypodynamics, work and rest, sleep and vitality, lack of information, limiting the flow of stimuli of natural and social environments, the nature of intragroup relationships, long being in an isolated environment, cohesion and compatibility of personnel of units, loneliness and more. Technical, chemical and natural factors have a significant impact on the efficiency of professional activities of ship specialists [4].

People on the ship, as a rule, in practice work according to the schedule "6 hours of work 6 hours of rest". There are no sailors in the sea in poor health: no doctor will take on the responsibility of releasing a patient on a voyage. Work at sea is traditionally considered to be for men, but some positions in the future can be expected by girls who want to receive maritime education on an equal footing with men. Traditionally, it is a barmaid, cook, day

laborer (cleaner), it can also be, for example, a navigator [5]. It is important to remember that the character of a sailor is not a set of individual inclinations, abilities and other elements, he is a living inseparable unity of them, connected by a common internal principle - a single spirit of the individual. Peculiarities of a sailor's life are manifested in the requirements of the environment, in the expectations and possibilities of their realization. Contradictions and contradictions restrain personal expression, are clearly dramatized, and life as such is increasingly revealed to him. The individual is aware of the fact of the existence of phenomena that go beyond his will, do not obey it, there is a certain code of events that has an objective meaning [6].

Characteristic personal traits of a sailor are manifested in the fact that he must have the ability to resist in life situations, the struggle of contradictions, must have the spirit of initiative, prevention, resilience, courage. Common sense, reason, and stable moral principles are needed to direct this force. The actions he performs are the result of the manifestation of his character, at the same time the character is formed and developed in a moral, purposeful action in relation to the phenomena of the world and his own self [7].

In recent years, many studies have focused on achieving optimal operating conditions, a rational ratio of professionally important qualities of specialists and machinery as elements of the overall shipping system. Within this direction the concept of functional comfort on creation of such working condition of the seaman at which conformity of means, working conditions, possibilities and individual psychological features of the person that causes adequate mobilization of its abilities is formed is formed. Virtually all modern shipping professions are associated with special working conditions due to the influence of socio-psychological, technical, natural and biological factors that place increased demands on the seafarer. On modern ships, the work of crew members has become mainly operator. Operator activity of marine specialists is considered as a complex and intense analytical-synthetic work of the brain, which requires high stability of attention, stress of analyzer functions. In addition, sailors, especially in long voyages, there are changes in indicators that characterize the strength of the processes of excitation and inhibition, their mobility, accuracy of response to stimuli, the value of threshold perceptions, as well as memory, attention and thinking. To master the profession, a specialist on a ship must have a set of qualities of attention, thinking, working memory, resistance to hypoxia, overload, hypodynamics, vestibular stability and spatial orientation. The problem of disorientation in navigation is part of a complex problem of navigation safety. Loss of spatial orientation is a common cause of negative events related to the human factor. That is, the sailor has to show professional skills in adverse conditions. It

is necessary to prepare for this in advance, choosing a positive motivation, developing specific abilities [8].

Sailor is a common concept. Depending on the functions performed or specialization, sailors can be divided into more precise professions, such as: captain, navigator, pilot, sailor, etc. Given this, they belong to the appropriate team on the ship, such as deck crew, as well as to the passing command tests. That is, after the completion of planned works on construction or repair of the vessel by the order of the head of the shipbuilding enterprise 15 days before the start of running tests of the vessel the composition of the passing crew is specified and the delivery captain is appointed. He approves them and works with a passing team. From the moment of receiving the order "On the test of the ship" the surrendering captain takes command of the ship and all his orders concerning the course and safety of navigation are binding on all who are on board the ship [9]. During the running tests, the delivery captain is obliged to:

- manage the work of the delivery team of the plant;
- to organize and ensure the participation of employees of the shipyard and its contractors in the inspection, adjustment, adjustment of the material part of the vessel, the repair of which was performed by the plant;
- together with the captain of the vessel and taking into account the proposals of the heads of sections (members) of the commission to participate in the preparation of the Plan and Timetables for running tests with mandatory inclusion of backup tests and submit them for approval to the chairman of the commission;
- in case of detection of malfunctions of the material part in the process of running tests together with the captain of the vessel and the heads of sections (members) of the commission on the specialty to report to the chairman of the commission proposals on further testing;
- for each day of running tests with the participation of the ship's captain and heads of sections (members) of the commission List of comments on the material part of the vessel to be eliminated by the plant and its contractors, submit it for approval to the chairman of the commission appointed terms;
- to organize before signing the acceptance certificate the plant enters data on the results of running tests in the forms of the material part of the vessel, if it was provided by the order, if not to organize the transfer of test data to the personnel for inclusion in the forms;
- report daily to the plant director on the progress of tests;

- through the captain of the vessel to organize accommodation and meals on the vessel to the delivery team in the prescribed manner;

- to instruct the delivery team on a daily basis to conduct tests and daily at 21.00 when the vessel is at sea to check the presence of members of the delivery team on it;

- 3-5 days before the departure of the vessel for running tests to draw up lists of members of the delivery team, business trips (tasks), passes and other documents, to organize on-the-job training of the delivery team according to ship rules and safety (against receipt); after the end of the tests to draw up the necessary documents for the members of the delivery team (lists, extracts from the shift log, etc.);

- monitor the compliance of members of the delivery team and plant workers with the requirements of the Manual for ensuring the survivability of ships under construction or repair, ship rules and safety rules [10]. Staff members should not interfere in the process of ship management, maintenance of mechanisms, systems of devices performed by the delivery team, they can only be involved to duplicate the watch by the delivery team or to fight for the survival of the ship. To do this, the surrendering captain is obliged to work out the organization of the struggle for the survival of the vessel by the surrendering team together with the regular crew. After signing the acceptance certificate, the vessel is considered delivered to the customer [9]. Thus, it can be seen from the above that the members of the delivery team, by the nature of their work on a transport or special vessel or warship, perform the duties of crew members, ie sailors, during the running tests, but their status has not yet been determined.

Within this it is possible to determine the features of the employment status of seafarers:

- employment of seafarers, taking into account the mode of movement (crossing the state border), largely excludes (restricts) informal labor relations;

- employment requires special conditions, taking into account such factors as being in a limited team and space, separation from family, being in a high risk zone;

- seafarers incur significant costs for obtaining, confirmation and training, which create conditions for the successful operation of special economic entities and, accordingly, are participants in the replenishment of the state budget;

- seafarers have limited opportunities to defend their interests in court abroad in case of violation of their rights;

- in general, in the global flow of labor migration, seafarers are the most controlled, conscious, predictable category of citizens employed abroad;

- stable demand for the work of seafarers and assigning them to the category employed abroad legally and in an orderly manner create favorable conditions and conditions for the use of the results of their work, namely foreign currency, on the territory of Ukraine;

- special qualifications of seafarers, mainly officers, allows them to stop working successfully in maritime companies as pilots, superintendents, managers, providing maritime service from training to insurance [4].

Confirmation of the special nature of seafarers' work is their classification as citizens entitled to a retirement pension, ie employed in work, the performance of which leads to loss of professional capacity or fitness to reach old age, which gives the right to an old-age pension (Article 52 and 55 of the Law of Ukraine "On Pension Provision"). This right has only sailors who have confirmed insurance experience in Ukraine [11]. The status of a seafarer is "combined", as it has both the characteristics of migrant workers and persons engaged in independent professional activity, but seafarers do not belong to any of these categories of able-bodied citizens [1].

The European Convention on the Legal Status of Migrant Workers of 1977 provides for an exception for seafarers. It is clear that such an exception is justified, as it is impossible to implement the provisions of the Convention on the Rights of the Employee, whose employer status may be determined by the law of more than one state. For example, the registration of a shipowner in one state and the operator (manager) in another. In fact, the status of seafarers meets the definition of "migrant worker, a person who permanently resides in the territory of the Party of departure and legally engaged in paid activities in the Party of employment" [12].

Regarding independent professional activity, based on the norms of the Tax Code of Ukraine, it is clear that seafarers do not belong to persons engaged in independent professional activity, as independent professional activity is an activity that involves individuals in scientific, literary, artistic, artistic, educational or teaching activities, as well as the activities of doctors, lawyers, private notaries, auditors, accountants, appraisers, engineers or architects or assistants of such persons, or persons engaged in religious (missionary) activities, other similar activities, provided that such persons are not employees or business entities. At the same time, taking into account the specifics of their qualifications, sailors independently, independently of national employers, implement their professional skills [13]. Despite the actual existing special position of seafarers, the national legislation of Ukraine does not regulate the special status of seafarers employed abroad. The current procedure for employment abroad establishes only the permitting system and the procedure for control and



supervision of state bodies, regulated in terms of interaction between state bodies and business entities of employment intermediaries abroad. The population, which is employed in accordance with this procedure, does not act as an active participant in these relations, but acts only as a carrier of the subject of regulation. Among citizens employed abroad, sailors are a special category [14].

The legislation regulates only certain issues related to the protection of the interests of seafarers, for example:

- a specific procedure for certifying the qualifications of seafarers has been established, as this is in line with Ukraine's obligations to the International Convention on Training and Certification of Seafarers and Watchkeeping of 1978 (PDMNV-78);

- Resolution of the Verkhovna Rada of Ukraine of 12.06.2007 № 1167-U approved the Law of Ukraine "On Amendments to the Law of Ukraine" On Compulsory State Social Insurance in Case of Unemployment", which provides for the interaction of state bodies when crossing the state border by unemployed persons. This rule also applies to seafarers who are registered as unemployed. The state at this stage of development cannot create conditions for the realization of the right to work of a significant number of able-bodied population.

Such uncertainty creates contradictory conditions in the existing labor market of seafarers in Ukraine regarding their status. The license conditions for conducting business activities for mediation in employment abroad provide that the intermediary is obliged to fill in the registration cards of the state statistical reporting on external labor migration [15]. However, as noted above, the European Convention on the Protection of the Rights of All Migrant Workers establishes that seafarers are not migrant workers. There is no doubt that the number of Ukrainian citizens employed abroad, including seafarers, requires accounting and analysis of statistical data for the formation of state social and migration policy. It is clear that the international document European Convention for the Protection of the Rights of All Migrant Workers of 1977 contains exceptions for seafarers, taking into account the expediency of establishing realistic standards for implementation. At the same time, no national normative act of Ukraine establishes that seafarers are equated to labor migrants [16].

Taking into account all aspects of regulating the employment of seafarers, it is clear that they are a special category of workers abroad. Today there are more than 83,500 vessels in the world, including countries with developed market economies with more than 26,590 vessels, open registration countries - 41,390, Central and Eastern European countries - about 740, Asian socialist countries - almost 2,050, developing countries - about 10,540 vessels. The ownership of almost 2,210 vessels has not been determined. From year to year the

tonnage of merchant ships increases. The total deadweight was in 2001. 658.4 million tons, and ten years later is already 799 million tons. At the same time, only 35 states and territories control 94.2% of the world fleet [1]. Simultaneously with the growth of world tonnage, the number of seafarers usually increased, which according to the International Labor Office (ILO) is more than two million people. What are the working conditions of seafarers in the world, what legal and social norms determine these conditions, how do different states protect the labor rights of seafarers - these and many other issues are constantly in the spotlight of the International Labor Organization (ILO). Therefore, the wider the trade and the more intensive sea transportation, the more acute the need for the development of the fleet and its replenishment.

The regulation of the work of the navy, namely seafarers, actually exists within the framework of the ILO and Ukraine takes an active part in it, scientific research of current and future problems of the ILO in the maritime sector is of undeniable interest. Based on the study of normative materials of this organization, foreign maritime legislation and national practice of maritime service regulation, the principled position of Ukraine at the maritime sessions of the International Labor Conference and other ILO bodies on increasing and strengthening international legal protection of seafarers is formed. The status of a seafarer and the legal regulation of his work is also determined by the fact that this issue is generally not covered in the Ukrainian and foreign legal literature [3].

It should be noted that the legal systems of individual maritime states, regarding maritime law and the determination of the status of a seafarer, are constantly influenced by each other. This creates the preconditions for the unification of many legal conditions of navigation, freight and maritime service. Therefore, the desire of states to unify maritime law on an international basis has become characteristic in two ways: first, by developing at congresses by representatives of transport, trade and insurance companies and scientific institutions so-called "informal legal norms", the application of which is left to governments or parties to the treaty, secondly, through the adoption by diplomatic conferences of international conventions on certain issues of maritime law. Recently, the ILO has gradually improved as the main means of legal regulation of seafarers. Today, almost all countries in the world are members of this organization (175 states). At the same time, the activities of the ILO are developing quite rapidly. During its existence, new and more progressive norms on the work of seafarers were developed and enshrined. They increase the interest of seafarers in the organization itself. The widespread use of progressive labor conventions is for maritime

workers not only a moral but also a legal basis to demand the practical improvement of maritime service conditions [17].

Normative regulation of labor is carried out by the general labor legislation, the Code of Merchant Shipping of Ukraine (KTMU), other by-laws. Sailors, in general, were not particularly identified with other categories of workers, despite the special nature of their work. After the collapse of the USSR, a new type of property emerged - private ownership of ships. As a result, private commercial enterprises began to appear, including in the field of maritime transport. At the same time, their number grew rapidly, due to the cheapness of maritime transport vessels, which were on the balance of state-owned enterprises. Moreover, sometimes sold whole shipping companies. As a result, the public sector was virtually liquidated. Memories of how, as a result of the emergence of the private commercial sector, a large number of able-bodied people of our country were laid off from state-owned enterprises and employed in commercial structures are still remembered. As a result, there were slightly different labor relations than in Soviet times. The subjects of this kind of legal relations have changed. On the one hand - the head (administration of a legal entity) as an employer, and on the other hand - an employee. All the above applies to sailors. They also mostly work in commerce, for the same reasons. However, it should be borne in mind that the seafarer is a special subject of labor law and is subject to, respectively, and special rules of law [18].

It is the conditions of seafarers who perform the labor function that serve as the basis for the sectoral differentiation of the legal regulation of their work. Objective features of labor relations with the participation of seafarers give rise to the need to establish special rules governing the work of crew members of seagoing vessels and determine the special status of seafarers. Today, at the international level and in Ukraine, there is a significant number of acts on the work of seafarers. The content of many of them is not consistent with each other or with the general rules of labor law, which often gives rise to various conflicts. A number of problems arise due to the fact that the work of seafarers is regulated not only by labor legislation, but also by laws that are comprehensive (one example of which is the Merchant Shipping Code). The large regulatory framework creates certain difficulties in law enforcement practice, contributes to violations of the law. And the activities of seafarers are still governed by the rules of general labor law (and even union), which requires changes to take into account modern realities and changes in the country and in the world. It is necessary to regulate the activities of seafarers by special legislation. This conclusion was reached by legislators in many leading maritime countries of the world, which have adopted special acts governing labor relations in the merchant navy. As already mentioned, at the international

level, the problem of regulating the work of seafarers has been reflected in ILO conventions and recommendations. Moreover, a large number of acts have been adopted, which, of course, should be guided, but many of them are outdated and require significant refinement. All this determines the relevance of the study of legal regulation of seafarers in modern conditions [14]. Analysis of collective and employment agreements concluded in maritime transport organizations, as well as case law shows-labor rights of seafarers are often violated. In modern conditions, one of the main tasks of legal regulation of labor is to guarantee the rights and interests of employees. The parties to the employment contract when performing work on a seagoing vessel are the employer and the employee - a seafarer, namely, a member of the ship's crew. The exact definition of the addressee of special legal norms, namely the concept of "sailor" can be defined on the basis of a dialectical method as follows: contract on a ship used for merchant shipping", ie is an entity that has an active role in a particular process, as a bearer of rights and responsibilities [19].

In Part 1 of Art. 49 KTM of Ukraine defines three categories of persons who are a part of crew of the vessel: it is the captain, command structure and ship command. The captain of the ship also belongs to the command staff, but in essence occupies a special place among the crew members, as he is the leader [20]. In addition to the captain, the ship's command staff includes: captain's assistants, ship mechanics, electromechanics, radio specialists, ship's doctor and boatswain. However, the shipowner has the right to include in the command staff and other ship specialists. The ship's crew consists of persons who perform official duties on the ship and are not part of the ship's crew. These include: sailors, motorists, drivers and other persons of the ship's crew.

Depending on the job functions, all crew members are divided into the following services:

- security service - provides safe navigation, as well as the performance of all functions related to the production activities of the vessel. This service is headed by a senior mate;

- technical operation service - ensures the operation of ship's technical means (installations, systems, mechanisms and other equipment that supports the life of the vessel in accordance with its purpose) and the hull of the vessel. It is staffed by crew members who provide shift maintenance of the power plant, as well as crew members engaged in maintenance, repair and adjustment work and is headed by a senior mechanic. Its composition and number are set separately for the running and stopping modes of the vessel;

- household service - provides service to the ship's crew and is headed by an assistant captain for the economic part, and where he does not have such a position - a senior assistant captain;

- passenger service (on passenger ships) - provides passenger service and is headed by an assistant captain for the passenger part;

- radio engineering service - provides radio communication and operation of radio engineering, radio navigation aids and is headed by the chief of the radio station;

- medical and sanitary service - provides health care for persons on board (crew members and passengers) and medical care, headed by a forensic doctor;

- training service (on training and training-production vessels) - provides the organization of the educational process and swimming practice of cadets and students of maritime educational institutions and is headed by an assistant captain for training [17].

Our state determines the legal status of seafarers - citizens of Ukraine who work on ships used for sea navigation established by the Decree of the President of Ukraine "On the identity card of a seafarer" of June 5, 1993, which approved the relevant Regulations. A seafarer's identity card shall be issued for a period of up to five years (may be renewed once for a period of up to five years) to a citizen of Ukraine holding any position on board a ship, except for a military registered in Ukraine or other States Parties to the 1958 Convention. year "On the identity card of a seaman" and, of course, used for sea navigation. The document may also be issued to a seafarer of another state who is on board a vessel registered in Ukraine or who is registered in Ukraine with the employment service. This certificate is allowed to leave Ukraine and enter Ukraine on a ship, as well as to leave Ukraine individually when going to your ship or transfer to another ship and enter Ukraine in the same manner. A seafarer's identity card may not be used on the territory of Ukraine by a citizen of Ukraine who holds it during the conclusion of civil law agreements, banking operations, registration of powers of attorney to other persons for representation before a third party. In case of write-off from the vessel, the holder of the seaman's identity card must submit the certificate at the place of its receipt. The holder of a seafarer's identity card must treat the identity card carefully and always have it with him. In case of loss of the certificate, its owner must immediately notify the captain of his vessel or the captain of the port where the certificate was issued. A lost seafarer's identity card is considered invalid.

Members of the ship's crew have a special labor legal personality, which is due to the requirements imposed in accordance with the principle of differentiation of legal regulation of labor, age, citizenship, health status, level of education of certain categories of workers. Thus,

a member of the crew of a seagoing vessel may be a person who has reached the age of eighteen, who has passed a medical examination in the prescribed manner, has a diploma and qualification certificates of the prescribed form. Therefore, today Ukrainian sailors in the crews of sea cargo, passenger, fishing and other types of merchant vessels work around the world. their number in Ukraine, according to various estimates, is from 40 to 80 thousand people. They work, as noted, on ships under foreign flags, as Ukraine has almost completely lost its merchant fleet since independence. In the international labor market of seafarers, for foreign shipowners and their commercial vessels under "convenient flags", Ukraine is one of the ten leading suppliers of ordinary and command crews of merchant ships. Among these countries are the Philippines, China, Russia, Indonesia, India, Poland, Croatia, Latvia, and Romania. The competitiveness of seafarers in these countries, which is characterized primarily by the quality of their training, determines the intensity of this market sector today. According to crewing employment companies, trained and certified Ukrainian seafarers do not always meet the requirements of the world labor market of seafarers - "flagpoles". Therefore, out of every ten Ukrainian sailors who were employed under a "foreign flag", one or two are prematurely written off from the ship due to their non-compliance with the requirements of shipowners during the voyage or inability to meet the requirements. In this regard, it is necessary to create conditions conducive to employment abroad and establish equal social protection [3].

The activity of seafarers is in fact their special position, depending on the functions performed or specialization, ie the profession, which is hard work that requires large physical costs, with its own inherent risks and complexity. At the end of a long and busy day, sailors do not expect to return home to family, they can not spend an evening with friends, change the situation and relax. Only the continuous hum of diesel engines and the constant movement of the ship is both a workplace and a sailor's home, 24 hours a day, seven days a week, for weeks or months. And in the depths of their thinking there are constantly thoughts of natural disasters and other dangers, such as pirate attacks, unjustified detention of a ship or leaving it in a foreign port [19].

In this regard, the most significant achievement was the event that took place in July 2010, when the Diplomatic Conference in Manila made major amendments to the International Convention on the Training and Certification of Seafarers and Watchkeeping (STCW) - and the related Code, which came into force on January 1, 2012. these amendments ensure that the necessary world standards for the training and certification of seafarers are available in order to enable them to operate technologically advanced ships. At this

conference, a number of new provisions were agreed on the issue of "readiness to watch - hours of rest", in order to provide the guards on board enough time to rest. This new provision will help to improve conditions for seafarers and help to ensure that there is sufficient rest time before the watch is set.

Fatigue has been found to be one of the causes of accidents at sea, so providing sufficient rest time for seafarers before the start of the watch will be of great importance for the safety of navigation and the prevention of accidents. The new requirements of the STCW Convention in these matters are combined with the relevant provisions of the Maritime Labor Convention, 2006, which Ukraine would need to ratify [22].

**Conclusion.** Thus, by law, ILO member states regulate only certain issues of occupational safety of seafarers, despite the high risk and danger of the profession, due to which the seafarer must have a set of qualities: thinking, memory, vestibular stability and spatial orientation, as a seafarer - is not only a person who meets the requirements of the law and works under an employment contract, but is a subject of the maritime crew and he has an active role in a certain process, as a bearer of rights and responsibilities of purposeful activity in learning the objective reality in the process labor functions.

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