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## LEGAL REQUIREMENTS FOR THE PROFESSIONAL AND QUALIFICATION QUALITIES OF SEAFARERS

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### Abstract

The article is devoted to the study of the procedure for hiring persons of the ship's crew, as well as their rights and obligations arising from labor relations, which are regulated by the general norms of the labor legislation of Ukraine. It is clear that the principle of granting the parties full freedom when concluding an employment contract in this case is absent, since the state, in the interests of protecting the life and health of persons on board, the safety of navigation and the fulfillment of its obligations arising from international treaties to which it is a party, does not may allow the presence in the ship's crew of persons who do not meet the established requirements for the qualifications and health of crew members. Relevant is it is necessary to analyze the legal requirements for the professional qualifications of the ship's crew.

**Key words: seaman; professional qualifications; crew of a sea vessel; labor legislation; labor contract; safety of navigation.**

# ПРАВОВЫЕ ТРЕБОВАНИЯ К ПРОФЕССИОНАЛЬНО-КВАЛИФИКАЦИОННЫМ КАЧЕСТВАМ МОРЯКОВ

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## Аннотация

Статья посвящена исследованию порядка приема на работу лиц судового экипажа, а также их прав и обязанностей, вытекающих из трудовых отношений, которые регулируются общими нормами трудового законодательства Украины. Определенно, что принцип предоставления сторонам полной свободы при заключении трудового договора в этом случае отсутствует, так как государство в интересах охраны жизни и здоровья лиц, находящихся на судне, безопасности мореплавания и выполнения своих обязательств, вытекающих из международных договоров, участником которых оно есть, не может допустить наличие в судовом экипаже лиц, не соответствующих установленным требованиям к квалификации и состоянию здоровья членов экипажа. Актуальным есть необходимо проанализировать правовые требования к профессионально-квалификационным качествам судового экипажа.

**Ключевые слова:** моряк; профессионально-квалификационные качества; экипаж морского судна; трудовое законодательство; трудовой договор; безопасность мореплавания.

Presentation of the basic material. In the international labor market of seafarers for foreign shipowners and their commercial vessels under "convenient flags" Ukraine is in third place in the top ten leading suppliers of privates and command crews of merchant ships. These countries include the Philippines, Russia, China, India, Indonesia, Poland, Greece, Turkey, and Myanmar (Burma). These 10 countries, according to the International Seafarers' Research Center in Cardiff, provide about 70% of the labor market needs of the world's navy, but the composition of the navy has changed significantly over the past quarter of a century.

Ships equipped with modern electronic equipment and requiring special technical training of the crew appeared. The technology of work on board the ship is constantly improved and is a mandatory part of the training of sailors. A wide range of specialists from among the technical and command staff is involved in the process of navigation support [1].

Therefore, a serious problem is the quality of training of graduates, applying for vacancies in the Navy. The 1980s were marked by a general decline in the level of maritime safety due to the low training of crew members. There have been cases of obtaining fake diplomas of higher and secondary special educational institutions in many countries. Their owners never studied or improved their skills in maritime specialties, did not have an idea of the duties assigned to them in the crews of ships [2].

The relationship between the level of education and the number of maritime accidents has drawn the attention of the international community to the role of the human factor. According to the International Maritime Organization (IMO), more than 80% of accidents are due to human error. London club N&I Club gives a figure of 65-40%. The Coordinating Committee on Marine Pollution in the United Kingdom confirms that in 182 cases of oil spills in British waters, 66% of the blame lies with humans. The Australian Department of Transport and Communications has also confirmed that 75% of all incidents in the country's waters are to blame. In this regard, the words of the Secretary-General of the International Maritime Organization are relevant: "Everything developed and developed here is aimed at improving the use of human resources in the maritime industry, to create a culture of maritime safety, when nothing should be done without safety and when safety should become an account of life at sea rather than a forced measure "[3]. Safety of navigation is the main condition for the preservation of human health and life, the environment and property at sea, the absence of unacceptable risks associated with death or injury, environmental damage or material damage, provided by technical, organizational and legal measures. These measures are implemented by setting requirements for the design, equipment, supply of ships, various types of state supervision of ships, radio and signaling rules, safety of ships on major sea routes, navigation and hydrometeorological information systems, documentation and investigation of maritime accidents, and require one of the most important and most important ways to ensure safety in navigation quality training of crew members of ships and their professional suitability, which is a necessary basic condition for concluding employment contracts with them [4].

The effectiveness of training and certification of seafarers primarily depends on the proper implementation of international requirements in this process and its organization [5].

For example, ILO Recommendation № 137 "On the Vocational Training of Seafarers" of 1970 sets out the main objectives of the policy in the field of vocational training of seafarers, namely: to improve the professional qualifications and skills of seafarers in the field of training; to encourage the entry into the merchant navy of a sufficient number of persons

suitable for the performance of maritime work; to provide initial training of all newly recruited persons on the shore and on board the vessel; provide opportunities for professional training and retraining that meets the current and expected needs of the Navy in seafarers of various categories and ranks; provide training necessary for the practical application of technical innovations in the field of ship operation, navigation and safety at sea; provide seafarers with the opportunity to train for advanced training and promotion, up to the highest positions on board the ship, and thereby help to increase the efficiency of their work, improve its productivity and job satisfaction; to provide, if possible, a referral to the work of all students upon completion of the course [6].

At the same time, in Ukraine it is necessary to practically analyze the structure and content of training of the fleet, focusing primarily on the world experience of navigation, which is accumulated in the requirements of the Convention PDNV-78/95 as amended. It should be easier to obtain the necessary level of education to work as shift navigators and mechanics. It is necessary to reduce the period of obtaining the first level of education to the standards of the Convention, categorically refusing one-time long-term training before the start of actual employment. A system of continuing maritime education should be established in order to open the possibility of continuing education to all comers. It is necessary to look for and actively implement new forms of training of the fleet. As an example, we note the system of alternation of work-study-work, or combination at some stage of work and education. In these cases, it is necessary to use a wide range of forms: distance learning [1].

The work of a sailor has a special specificity and requires considerable effort of physical and mental strength. Navigation has always been and will be associated with limitations and inconveniences for humans. There are a large number of adverse factors on board - noise, vibration, sudden changes in temperature, a constant and rather narrow circle of people and other factors that affect the body at the same time [7].

The above principles and factors are fundamental in the training and education of specialists for ships, and they are more clearly seen in international conventions, even if they are not explicitly stated. International requirements for the qualification of the command staff of merchant vessels were initially defined in the ILO Convention No. 53 "On the Minimum Qualification of Masters and Other Persons in the Command Staff of Merchant Ships" of 1936 [8]. The Convention entered into force on March 29, 1939, and Ukraine has not yet been ratified. According to Art. 3 of the Convention, no one may be admitted or engaged in the functions of captain or skipper, mate, chief engineer or navigator on board a ship without a certificate of qualification certifying his ability to hold the position and issued or approved by

the relevant authority of the territory of the state, where the vessel is registered. Exceptions are allowed only in case of unforeseen force. Persons who have reached a certain age, have a minimum professional experience and who have successfully passed the exams are entitled to receive a certificate of qualification. At the same time, national legislation should establish the minimum age and required professional experience of candidates, as well as provide for the organization and control of the necessary examinations [9].

Certain areas of training of marine specialists are determined by other international documents, including the International Convention "On Trademarks", dated April 5, 1966, ratified by the Resolution of the Cabinet of Ministers of Ukraine № 773 of September 21, 1993; International Convention on Search and Rescue at Sea of April 24, 1979, ratified by the Resolution of the Verkhovna Rada of Ukraine № 2786-XII of November 17, 1992; Convention "On International Rules for the Prevention of Collisions at Sea", dated 20.10.1972, ratified by the Resolution of the Verkhovna Rada № 2785-XII of 17.11.92; International Convention for the Prevention of Pollution from Ships, dated November 2, 1973, as amended by the Protocol of February 17, 1978, ratified by the Resolution of the Cabinet of Ministers of Ukraine No. 771 of September 21, 1993; ILO Convention No. 147 of October 29, 1976 "On Minimum Standards in Commercial Courts" and its Protocol of October 22, 1996, ratified by the Verkhovna Rada Resolution No. 3387-XII of July 14, 1993; Resolution (Assembly) of the International Maritime Organization A.890 (21.) 25.11.99 "Principles of safe manning of ships"; Resolution (Assembly) of the International Maritime Organization A.772 (18) 04.11.1993 "Factors of fatigue, manning and safety"; Convention № 109 of 14.05.1958 "On wages, working hours on board ships and the composition of the ship's crew" and ILO Recommendation 1958. "Regarding wages, working hours on board ships and the composition of the ship's crew"; ILO Convention № 180 of 22.10.1996 "On the duration of working time of seafarers and the manning of ships"; ILO Recommendation № 137 of 28.10.70 "On the professional training of seafarers" and others [8].

Article 2 of the ILO Convention 147 on Minimum Standards on Merchant Ships, 1976, clearly states that each State Party to the Convention shall ensure that seafarers employed on a ship registered in its territory have sufficient qualifications or training to perform their duties. languages according to which they are hired [10].

This is confirmed by the activities of the IMO and the ILO, which are directly aimed at developing requirements for the qualification of the ship's crew. These issues are extremely relevant today, as there is a shortage of qualified marine professionals on the world market.

Because theoretical knowledge and practical skills are certainly important components of the "human factor" and are directly related to maritime safety [11].

Earlier, an international document that proclaimed the principle of manning in appropriate numbers and certain qualifications was the International Convention for the Safety of Life at Sea, adopted in London on November 1, 1974 and known as the SOLAS Convention - 74. Chapter V of Rule 14 "Manning of ships" contains a rule according to which the contracting governments undertake that from the point of view of protection of human life at sea, all ships should be manned by crews in an appropriate number with the appropriate qualifications, namely taking into account all requirements before chartering work [12].

The United Nations (UN) Convention on the Law of the Sea of 1982, in Article 94, states that each State shall, in respect of ships flying its flag, take measures to ensure safety at sea. Among such measures it is necessary to note one of the most important: each vessel should be headed by the captain and officers of the corresponding qualification in the field of navigation, navigation, communication, ship cars and the equipment, and crew on qualification and number should correspond to type, the sizes, mechanisms and equipment [thirteen].

Article 50 "Minimum Crew" is included in the Merchant Shipping Code of Ukraine. According to the provisions of this article, the minimum crew, which allows the vessel to go to sea, is set by the Ministry of Transport of Ukraine (Ministry of Infrastructure of Ukraine) depending on the type, area of navigation, purpose of the vessel and in accordance with current legislation of Ukraine. Thus, each vessel must have on board a crew whose members are properly qualified and whose composition is sufficient in number to ensure the safety of navigation, protection of the marine environment, compliance with the requirements for working hours on board, preventing overloading crew members [14 ].

Today in Ukraine there are "Rules for determining the minimum crew, which allows the vessel to go to sea", approved by order № 575 of the Ministry of Infrastructure of Ukraine from 10.11.2014. These Rules establish the procedure and conditions for determining the minimum composition of the ship's crew, ie the minimum number of certified crew members, certified and non-certified members of the ship's crew, who can ensure safe management of the vessel at any time of operation, namely: safety of people, ship, cargo, property and environmental protection, as well as the issuance of a Certificate of minimum crew composition and control over the manning of ships by crews [15].

The crew is distributed by the International Convention on the Training and Certification of Seafarers and Watchkeeping (STCW), adopted on 7 July 1978 in London by

the International Maritime Organization. The Convention entered into force on 28 April 1984. In 1995, amendments to the Convention were adopted, which significantly changed its essence. Today, more than 130 countries are parties to this convention, which undoubtedly characterize it as one of the fundamental documents of international maritime law in the field of training for ships. Article 3 of the Convention provides that it applies to seafarers working on board seagoing vessels flying the flag of a Party, with the exception of seafarers serving on warships or operating on state-owned or operated ships and used exclusively for governmental non-commercial use, services, or work on pleasure yachts that are not engaged in commercial transportation or wooden vessels of primitive design. The Convention names the following positions of the ship's crew members: captain, assistant captain (navigator), senior assistant captain, mechanic, senior mechanic, second mechanic, trainee mechanic, radio operator, private and sets different requirements for the crew member depending on the occupation positions. The positions of crew members are traditionally divided into command and rank and file. The command staff, as a rule, includes the captain, the assistant captain, mechanics, electromechanics, the chief of radio station, the electroradio-navigator, the ship's doctor, the radio technician, the radio operator. Within the command staff there are senior command staff: captain, senior assistant, senior mechanic [16].

Article 49 of the Merchant Shipping Code of Ukraine in accordance with international requirements also provides that the ship's crew includes the captain, other crew members and the ship's crew. The command staff of the vessel, in addition to the captain, includes: assistant captains, ship mechanics, electromechanics, radio specialists, ship's doctor and boatswain. The shipowner may include other ship specialists in the command staff. The ship's crew consists of persons who perform official duties on the ship and do not belong to the ship's command staff [17]. Such a team usually includes sailors, motorcyclists, service personnel (cooks, bartenders, etc.) and other persons, depending on the purpose of the vessel. The ship's crew is led by a boatswain. At the same time, persons performing the duties of forensic radio specialists of the Global Maritime Distress and Safety Communication System (GMDSS) must have a diploma that meets the requirements of the GMDSS, issued on behalf of or recognized by the Ukrainian Maritime Administration on the basis of the Radio Regulations of the International Telecommunication Union [18].

It should be noted that the list of positions related to the team, given in the KTMU, is not exhaustive. Relevant executive bodies may include team members and other specialists. In states where the list of positions is not defined by law, the assignment of persons to the command staff may be established by collective agreement or custom [19].

As early as 1995, the Code of Training and Certification of Seafarers and Watchkeeping was adopted in the development of the STCW-78 Convention, which defines the competence of specialists in three stages (Chapter 1, Section A-1/1): management level, operation level and auxiliary level. It is noteworthy that in the Code PDMNV - 95 to denote the level of competence of a crew member of the vessel uses the term "responsibility". It is assumed that this term refers to the set of responsibilities, knowledge, skills and abilities, as well as the level of professional training of the relevant specialist. Thus, the concept of responsibility of a specialist of each level includes a set of requirements that a specialist must meet and only in the presence of which he can be hired, as well as the duty and willingness of this specialist to be responsible for actions, concessions and their consequences [16 ].

Based on the analysis of the legislation of Ukraine, conventions and codes, such requirements include:

- a) training requirements (diploma or compliance, minimum length of service to perform certain functions);
- b) requirements for work experience in a certain position and qualifications to obtain the right to hold a higher level position;
- c) the existence of certain job responsibilities regulated by the ship's role and other regulations (for example, the Statute on the discipline of maritime transport workers, etc.), which the specialist must perform.

Therefore, these requirements are elements of the legal capacity of seafarers as subjects of international maritime labor law. Therefore, it should be agreed that "the first and main criterion of the worker's suitability for the position or work performed is the presence of certain knowledge, training level or work experience in the specialty provided by law" [20].

At the 65th session of the IMO, the Committee on Safe Seas decided that training in the management and conduct of human beings in emergencies is necessary for key ship personnel and should include the following elements:

- human behavior and his reaction;
- optimization of resource use;
- development of emergency plans;
- ability to exercise leadership;
- ability to cope with stressful situations [11].

Mandatory minimum requirements are set for the certification of seagoing ship specialists, namely: professional training requirements. Among the most important of these are:

- state of health, especially in relation to sight and hearing;
- reaching a certain age;
- availability of special practical and theoretical knowledge;
- work experience, which depends on the position for which the specialist is applying;
- special training;
- passing the relevant examination, which meets the requirements of the flag state, under which the vessel has the right to work [21].

These requirements are enshrined in the PDNV-78 Convention, which was designed to establish minimum standards that states are required to comply with. In many countries the standards are higher than those set, but in many countries (African and Asian countries) they are much lower than the requirements set by the STCW 78 Convention, which facilitated the implementation of the requirements for the employment of candidates for members of the marine crew.

According to Art. 1 of the STCW Convention 78: "States undertake to implement its provisions and to issue all laws, decrees, orders and regulations, and to take all other measures that may be necessary for the full implementation of the provisions of the Convention to ensure that human rights life and preservation of property at sea, as well as the protection of the marine environment - sailors on ships were properly qualified and were able to perform their duties "[16].

Requirements for the qualification of privates are concentrated in two ILO conventions: Convention No. 69 "On the Issuance of Certificates of Qualification to Ship Cooks" of 1946, ratified by Ukraine on 04.02.70, and Convention No. 74 "On the Issuance of Certificates of Qualification to Sailors" of 1946. Convention No. 74 entered into force on July 14, 1951, and Ukraine has not ratified it. According to which no one can be accepted on board a ship as a qualified sailor if he does not have a certificate of qualification. The competent authority shall take the necessary measures to conduct examinations and issue a certificate of competency. The Convention sets a minimum seafarer's age of 18 years and a minimum length of service at sea of 36 months. [19].

Conducting examinations for seafarers online is a very convenient way, as they can return to the ship without delay, so the establishment in Ukraine of Remote Examination Centers, where seafarers apply for the exam online and get the opportunity to pass it in the most convenient for them location and convenient time and day are very appropriate. The task is to issue qualification certificates not to the largest number of seafarers, but to seafarers who meet high quality standards [22].

In order to take into account the provisions of Convention № 74 in Ukraine there is a Regulation "On the procedure for assigning ranks to commanders of ships" approved by the Ministry of Infrastructure of Ukraine № 567 from 07.08.2013. This provision was developed under the International Convention "1978 and the amendments to this Convention of 1995. According to this Convention, a diploma means a genuine document, whatever it may be called, issued by a flag State, which a ship has the right to fly, or which is recognized by the State and entitles its owner to occupy the position specified in this document or permitted by national rules. That is, it is a document confirming the right of a person to engage in certain activities, it may have other names than a diploma. Along with the diploma, each specialist must have a certificate certifying the issuance of the diploma. In accordance with the provisions of this Convention, there is a transition from the assignment of ranks to commanders to the issuance of diplomas, qualification certificates and special specialist certificates to crew members of seagoing vessels. "[16]

According to the rule contained in Part 4 of Art. 51 KTM of Ukraine, to replace the positions of command staff, for which no rank is provided, as well as members of the ship's crew are allowed persons who have issued in the prescribed manner the relevant documents confirming their qualifications required to perform duties on board, ie meet all requirements [14].

According to Article 2 of the provisions of the ILO Convention № 147 "On minimum standards for merchant ships" of 29.10. In 1976, States Parties undertook, in respect of vessels registered in their territory, to have legislation and regulations establishing safety standards, including standards on qualifications, working hours and crew, social security and working and living conditions on board seagoing vessels [10]. Therefore, in Ukraine, the rank of command staff is assigned to persons not younger than 18 years, and the rank of captain not younger than 20 years, with appropriate maritime education, experience on seagoing vessels, special training, fitness for health and who have confirmed their qualifications. in the Qualification Commission and received diplomas, qualification certificates and special certificates of the specialist. At the same time, Ukrainian legislation allows graduates of the full-time department of maritime educational institutions to confirm their qualifications at the state examination commission and obtain a certificate or diploma in accordance with the Regulation "On the procedure for assigning ranks to commanders of ships".

This provision makes it possible to obtain the title of diploma, qualification certificates and special certificates of specialists (for crews of ships) both citizens of Ukraine and foreign citizens who graduated from maritime schools in Ukraine and in cases provided by

international treaties of Ukraine (with other states - participants in the PDMNV 1978 Convention on the Training and Certification of Seafarers), which comply with paragraph 2 of Art. 51 of the Code of Merchant Shipping of Ukraine and paragraph 3,10 of the Regulation [18].

Thus, in the development of the relevant provisions of the Merchant Shipping Code of Ukraine by the Decree of the President of Ukraine № 194/93 of 05.06.93 approved the Regulation "On the seaman's identity card" according to which foreign citizens can also obtain a seafarer's identity and join the crew of a sailing vessel under the state flag of Ukraine [10].

Every seafarer, whether a citizen of Ukraine or a foreigner, must have an identity card, otherwise known as a seafarer's passport, as required by ILO Convention No. 108 on National Seamen's Identity Certificates of 13 May 1958. The seafarer's identity card (passport) is required for access to the territory of a foreign state together with the vessel, for transit through the territory of a foreign state upon release or departure to a foreign port, as well as in cases of shipwreck, injury or illness. The seafarer's passport issued by the captain of the port of registration of the vessel shall indicate: the name and title of the person who issued the passport; last name, first name, patronymic of the sailor; date of his birth; nationality; signs; photo; position on a ship (Article 4 of the ILO Convention of 1958) [1]. The above Regulation "On the seaman's identity card" clearly defines the procedure for registration and issuance of a seaman's certificate, its validity, grounds for withdrawal, all information about the holder of the certificate and other marks that meet international legal requirements [23]. However, the convention, in contrast to the Ukrainian provision "On the seaman's identity card", allows a thumbprint instead of a signature (if the owner cannot sign). This outdated rule is to be excluded from the Convention in the world of the above requirements for the qualification of seafarers allowed to work as a member of the ship's crew [24].

It should be added that 19.06. In 2003, the ILO adopted a new Convention, referred to as the Convention (revised) on the identity of seafarers. This Convention is intended to complement the ILO Convention 195 108 № 108 and to provide effective protection against terrorism, while ensuring that 1.2 million seafarers worldwide will have the freedom of movement (Article 6 of this Convention) necessary for their well-being and professional activities. This Convention supports the principle that a seafarer should not be required to have a visa for release ashore. The new identity card will contain the personal unified number of the seafarer and a photograph of the owner [25].

In Ukraine, in accordance with Art. 51 of the Merchant Shipping Code: "Persons holding the relevant ranks established by the Regulation" On the ranks of commanders of seagoing vessels and the procedure for their assignment "approved by the Cabinet of Ministers of Ukraine are allowed to hold the positions of captain and other commanders." Assignment of titles must be certified by the issuance of diplomas or qualification certificates after successful completion of examinations in the state qualification commission [14]. This approach fully complies with the requirements of the International Convention on Training and Certification of Seafarers and Watchkeeping, 1978.

The STCW 78/95 also established mandatory minimum requirements for candidates for maritime crew for the certification of seafarers, mechanics, radio specialists, as well as the minimum theoretical knowledge and practical skills required to obtain the diplomas of relevant specialists.

Thus, Regulation II / 2 establishes minimum requirements for the certification of masters and senior mates on ships of 200 gross tonnage and upwards. Paragraph II / 2 of these rules requires that each candidate for the title of senior mate must have an approved length of service of not less than 12 months, including at least six months as a mate and pass the relevant examination [16].

We will note that in the legislation of practically each state the reservation is made that the captain of the vessel can be only the citizen of the state - a ship's flag. Ukrainian legislation enshrined this rule in Art. 53 KTMU that the captain of the vessel can be only a citizen of Ukraine, and crew members can be citizens of any state [14].

Therefore, when hiring foreign nationals as a member of the ship's crew, it is necessary to take into account the state of the labor market in a particular region and hire in such cases by the employer in accordance with current legislation of Ukraine and only in agreement with the relevant election body.

Thus, for the position of a member of the crew of a seagoing vessel, the requirements for foreign citizens are the same as for the citizens of Ukraine. The timeliness, level of professional training and competence of the applicant must meet the requirements of the regulations of Ukraine to persons replacing positions for which foreign citizens apply.

Requirements that are not formally imposed on citizens of Ukraine, but are fully imposed on foreign citizens and stateless persons - is a fluency in the Ukrainian language to the extent that ensures proper performance of crew members of their duties in the position held on board. This requirement is easily achieved if we take into account that foreign citizens

working on Ukrainian ships, as a rule, are citizens of the former Soviet republics of the USSR [19].

Requirements for seafarers are defined by a number of international legal acts regarding their health. This is the ILO Convention № 73 "On the Medical Examination of Seafarers" of 29.06.46, adopted to ensure the good health of persons on board. According to which the medical certificate of fitness for flight is issued for a period not exceeding two years (certificate of ability to distinguish colors - for up to six years) and signed by a competent physician. At the end of the list of mandatory requirements, the Convention allows the competent authorities in exceptional cases to allow to work on a ship and a person who does not meet the requirements of the Convention (Article 6 of the Convention). The omission of the convention is that there are no restrictions on crew members who do not meet the convention requirements.

This Convention obliges a seafarer who is employed to hold a certificate of professional medical examination. Therefore, all persons held in various positions on ships carrying cargo or passengers must be in good health and not endanger other persons on board. No person shall be hired unless he or she has provided a certificate signed by a doctor confirming his or her fitness for work on ships at sea. The certificate must be signed by a doctor authorized by the competent authority of the state [20].

In addition, when traveling abroad, it is mandatory to have a certificate of AIDS testing, as well as two medical certificates - vaccination and revaccination against yellow fever and cholera. However, the vaccine used in the habit must meet the requirements set by the World Health Organization.

Therefore, conditionally conventional requirements for health can be divided into two types: on the one hand, it is the rules of international law that establish medical requirements for the professional suitability of seafarers, on the other - the rules concerning the prevention of introduction and spread of quarantine diseases, such as like cholera, yellow fever, AIDS. As for the Ukrainian legislation on this issue, it generally meets international requirements [21].

So in accordance with Art. 52 KTMU to work on the ship are allowed persons recognized as fit for this state of health. The opinion on suitability for work on a ship due to health condition is issued by the institution of the Ministry of Health of Ukraine in accordance with the Rules for determining the suitability for work on ships, approved by the Order of the Ministry of Health of Ukraine of November 19, 1996. № 347. These Rules in accordance with

the Law of Ukraine "On labor protection", the Law of Ukraine "On the basics of the legislation of Ukraine on health care" and KTM of Ukraine establish:

- the procedure for organizing medical examinations of seafarers;
- duties, rights and responsibilities of shipowners, seafarers and medical institutions of the Ministry of Health of Ukraine, which conduct medical examinations of seafarers;
- rules for determining the fitness of persons for work on ships;
- distribution of functions of control over the implementation of the requirements of these Rules among the interested ministries [14].

Convention № 164 "On the Health and Medical Care of Seafarers" of 08.10.1987 (entered into force on 11.01.1991, and Ukraine has not ratified) even provides for measures for the medical care of seafarers on board a ship, which must be the availability of a ship's first aid kit, the presence of a ship's doctor on board and the availability of a hospital premises (with a tonnage of 500 or more), and establishes the principles of cooperation between States Parties on health and medical care for seafarers. In this regard, Ukraine is only a party to ILO conventions relating to the health of ship's crew members such as: ILO Convention № 16 "On Compulsory Medical Examination of Children and Adolescents on Board Vessels" of 25.10.1921, ILO Convention № 58 "On the minimum age for admission of children to work at sea" from 24.10.1936 [21].

Conclusion. Therefore, from the above health requirements it is clear that when hiring a seafarer to work as a crew member on arrival in Ukraine or abroad requires a certificate confirming his suitability for work at sea, which must meet the requirements of the ILO Convention № 73 "On medical examination of seafarers" and issued in accordance with the order of the Ministry of Health № 347 of 19.11.96, "On approval of the rules for determining the fitness for health of persons to work on ships."

Thus, the current situation in the maritime industry requires a qualified crew, the recruitment of new staff and the preservation of the old in the navy for the value of the profession. Accordingly, there is a need to develop and improve the professional skills of seafarers, develop a program to promote the employment of seafarers depending on their qualifications and update the labor standards of seafarers with new standards, in order to provide competent crews to prevent accidents at sea through improved training and strict compliance PDNV.

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