



# The Position of Wireless Operators in the Mercantile Marine

by

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*The fourth International Wireless Telegraphy Law Congress, held at Liège in 1930, recommended that "a complete body of regulations, including all rules relating to conditions of work of wireless operators employed in ships engaged in maritime navigation, except ships of war, should be drawn up and promulgated in each country", and that the International Labour Office should be asked "to continue the study of international regulations for wireless operators in the mercantile marine". After receiving this resolution, the International Labour Office consulted its Joint Maritime Commission in December last as to the general lines of the enquiry which it is proposed to undertake.*

*In these circumstances the following article has been welcomed as showing the interest which the question has aroused in maritime circles. The author, after analysing the essential data out of which the problem arises, outlines a plan of enquiry for the proposed study.*

**W**HILE the legal position of seamen, in virtue of the articles of agreement regulating their employment, is different from that of workers whose employment is governed by the ordinary law relating to the hiring of services, the position of marine wireless operators is of a still more special character. This calling, which is of comparatively recent origin, has from the beginning been the object of the special attention of public authority. Disasters at sea still fresh in the public memory have caused Governments to enter into international agreements for the employment of wireless telegraphy at sea, and, in the interests of the safety of the lives and property of crews and passengers,

to require shipowners to instal wireless apparatus on their ships and engage a new category of specialised workers for ensuring its proper working. In the early days of their employment on board ship these new "seamen" were not governed by the ordinary conditions of articles of agreement and their services seem to have been used exclusively for carrying out a special form of safety work.

The main function of these specialised workers is certainly to lessen the risk of serious casualties at sea and to prevent shipwrecks, and it seems clear that the services rendered by them in this respect have been of considerable benefit to shipowners, in spite of the extent to which the latter may be covered by insurance in case of marine casualties. Statistics tend to show that by means of wireless telegraphy the number of lives lost through shipping accidents has been very considerably reduced. It has recently been estimated, for example, by a comparison of the effects of serious casualties only, that some 15,000 lives were saved at sea between 1919 and 1932 through wireless telegraphy<sup>1</sup>, while the proportion of total losses of ships fell from 1.24 per cent. of world tonnage in 1900 to 0.48 per cent. in 1931.

In view of the great services thus rendered by the marine wireless operator to shipping and to humanity and of the complex organisation of his profession, a close study is called for of the working conditions of this body of workers.

### SPECIAL FEATURES OF THE PROFESSION

In many cases wireless equipment is not installed in merchant vessels directly by the shipowner, but by specialised companies which have contracts with the shipping companies making them responsible not only for installing the necessary apparatus, but also for providing the staff for its upkeep and working. On the other hand, under the legislation of many countries these wireless operators are treated as members of the crew and so have to be entered in the ship's articles and sign the articles of agreement. The result is that it often happens that the marine wireless operator has two employers, the shipowner in whose vessel he is serving for the time being and the marine wireless company of which, as a rule, he is a permanent employee.

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<sup>1</sup> Cf. *The Signal*, Feb. 1933. This periodical, the official organ of the British Association of Wireless and Cable Telegraphists, also states that wireless apparatus had already been installed in some 16,000 merchant vessels.

It may also be noted that wireless apparatus in merchant ships is used for the reception and transmission of various sorts of wireless communications relating to :

- (a) the assistance of vessels in distress ;
- (b) private messages for the passengers and crew ;
- (c) the business side of the maritime adventure ;
- (d) weather forecasts, notification of the presence of icebergs or other dangers to navigation, the preparation of weather charts, and other communications of general public interest ;
- (e) the navigation of the vessel (direction-finding apparatus).

It is because of the uses thus made of ships' wireless installations that public authority has intervened in this field in giving special attention to the employment of wireless for the safety of life at sea and that the Office of the International Telegraphic Union in Berne has become responsible for the commercial organisation of international wireless communications. As, moreover, the operator performs his duties on board ship, it has been a natural consequence that he should be included in the crew, a principle which is in fact already recognised by the legislation of most maritime countries, though not always on the same terms.

The intermingling of these public and private duties, the relations of ships' wireless operators to various public authorities (maritime, consular, postal), and the existence of contracts of service binding them in many cases simultaneously to a marine wireless company and to a shipowner, have all tended to render the legal position of this body of workers increasingly complex.

### EXISTING REGULATIONS

The outstanding feature of the existing regulations is that they are based essentially on a series of international conventions, which are enumerated below in chronological order :

- (a) The International Radiotelegraph Convention (London, 1912) ;
- (b) The Safety of Life at Sea Convention (London, 1914) <sup>1</sup> ;

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<sup>1</sup> This Convention never actually came into force as an international instrument ; it has been superseded by the 1929 Convention. The conferences on safety of life at sea were convened by the British Government.

- (c) The International Radiotelegraph Convention (Washington, 1927) ;
- (d) The Safety of Life at Sea Convention (London, 1929) ;
- (e) The International Convention on Telecommunications (Madrid, 1932).<sup>1</sup>

These agreements have laid down uniform regulations on a number of questions relating to : (a) apparatus (types which must be carried by vessels, forms and methods of transmission) ; and (b) staff (professional qualifications, indirect regulation of hours of work and number of operators, etc., and regulation of the qualifying service for becoming operator in charge of a station).

Hence the fact that, as apparatus has become standardised, methods of work are on the whole the same in all climes and in all ships, except perhaps only for the fact that owing to climatic and other conditions special apparatus such as the direction finder has to be more frequently used in some parts of the world than in others. Like the types of apparatus, already referred to, systems and methods of transmission and listening-in services are settled in a uniform way for all ships, and the same is the case with professional qualifications, a question which must naturally be dealt with in the working out of any future scheme of international regulation.

One of the effects of these various existing provisions, which are already in operation in a large number of countries, is that they are calculated to create similar conditions of work and, consequently, more or less uniform legal stipulations which could without any great difficulty be adapted to international regulations. Further, the itinerant nature of the marine wireless operator's calling tends to produce a certain similitude in living conditions, and this may be regarded as another factor calculated to facilitate the framing of a set of international regulations.

On the other hand, while a uniform basis thus exists in all maritime countries in respect of the points noted above, the same cannot be said of the actual provisions of national laws or

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<sup>1</sup> To this Convention is appended a set of general regulations on radio-communications, which came into force on 1 January 1934. These conferences are convened periodically (as a general rule once every five years) by the International Telegraphic Union. The Conference which met at Madrid set up the International Union of Telecommunications, which was to be substituted for the International Telegraphic Union as soon as the Madrid Convention came into force.

regulations bearing on the legal position of ships' wireless operators and their living and working conditions. Little or no endeavour seems to have been made by national laws and regulations to solve on systematic lines the legal and technical problems affecting this profession.

It is not proposed to go here in detail into all these laws and regulations. A preliminary examination of a considerable number of them, however, shows that differences exist between them and that there are points which have not been dealt with by some of them.

(a) National laws do not as yet all definitely endorse the principle that ships' wireless operators are to be treated in all respects on the same footing as the rest of the crew, so that the question whether they are to be considered as seamen, with all the effects which this would entail, does not yet appear to have been settled.

In some countries, e.g. Belgium, Chile, France, Germany, Greece, Italy, Mexico, Norway, Portugal, Spain, and the U.S.S.R., the law explicitly makes provision for including wireless operators in the crew, whereas this principle is only implied in the legislation of Australia, Brazil, Canada, Denmark, Estonia, Finland, Great Britain, India, Latvia, the Netherlands, Panama, Rumania, Sweden, and Yugoslavia.

(b) As a corollary to the point referred to above, the question arises as to the rating of wireless operators on board ship and whether they are to have the standing of ships' officers.

The rank and prerogatives of a ship's officer, subject to certain conditions, are granted to marine wireless operators by the legislation of Australia, Belgium, Chile, France, Germany, Italy, Latvia, Portugal, Spain, and the U.S.S.R. ; but in other countries, e.g. Canada, Great Britain, India, and the United States of America, this point is not definitely settled by the law. As regards Great Britain, however, it may be noted that wireless operators are entitled by the terms of their agreement to the same messing arrangements and quarters as the ships' officers. The position is the same in Denmark, Estonia, Finland, the Netherlands, Norway and Sweden.

(c) In a large number of countries where there is a twofold contractual relationship (i.e. in the case of operators provided by marine wireless companies), it has not been clearly settled which of the two agreements should predominate during the

period of service on board, namely, the *permanent contract* between the operator and the marine wireless company or the *temporary agreement* between the operator and the shipowner in whose ship he is employed.

The effects of this twofold legal relationship are all the greater because the second agreement, which may appear less essential, acquires added weight from the fact that wireless operators are considered to be members of the crew in countries where they are engaged through marine wireless companies, e.g. in Belgium, Denmark, France, Germany, Great Britain, Italy, the Netherlands, and Sweden. This means that in these countries the wireless operator's agreement must necessarily be in the same form as that for other members of the crew, and thus becomes a seaman's agreement entailing all the penal and other consequences attached to such an agreement for breaches of its provisions.

(d) It is also necessary to determine clearly and definitely the position of wireless operators on board in relation to the other officers and the extent to which they come under the master's authority in the carrying out of their work. The solution of this question depends largely on the way in which their contractual relationship in regard to conditions of work is settled, and is closely bound up with the whole problem of discipline on board.

(e) There would seem to be no effective legal protection of the operator's professional status either in respect of (i) the conditions governing the issue of certificates of competency or (ii) the right to carry on the profession.

(i) As regards conditions for the issue of certificates, national laws on the whole do not appear to have yet met the wishes repeatedly expressed by wireless operators that the intellectual level of their profession should be raised. This might be brought about not only by an examination for entry into the profession, but still more by insisting on the production of a certificate to show that candidates have a certain standard of education likely to ensure their possessing a minimum equipment of general and specialised knowledge, a fact which an examination as such does not always bring out.

(ii) As regards the right to carry on the profession, it has apparently become common in some countries to assign wireless operators' work to other ships' officers, who are thus called

upon to perform other services in addition to their ordinary duties. This practice raises a number of problems connected with the regulation (as yet imperfect) of the work of wireless operators on board, both in regard to hours of work and to the nature of their duties (e.g. employment of wireless operators for all wireless duties and also for other work on board of more immediate concern to the shipowner).

According to information received from trade union organisations, it would appear that shipowners in some countries, in order to comply with existing safety regulations, do not always employ wireless operators whose special and sole duties are to take charge of the safety and communication services of the wireless stations on board, but assign these duties to deck officers holding a certified watcher's certificate (mate operators) or employ qualified operators on other work outside their wireless duties. These practices, which raise the question of what may be called double duties, may produce serious results, as the whole problem of safety of life at sea is closely bound up with the maintenance of an efficient wireless service on board. They are rendered possible because the question whether only wireless operators should be employed for ships' wireless stations, and for this work only, has not yet been settled internationally.

#### WIRELESS OPERATORS' DEMANDS

On various occasions wireless operators have expressed their desire to have their legal position clearly and definitely determined by uniform regulation. Reference may be made, for example, to the resolutions adopted by the International Federation of Radiotelegraphists at its Copenhagen Congress (28-31 August 1929), which resolutions subsequently formed the basis of a report submitted by the International Wireless Telegraphy Committee to its Liège Congress in 1930 (see below); to the claims put before the 28th General Meeting of the International Wireless Telegraphy Committee by the delegate of the National Federation of Wireless Officers of the French Mercantile Marine; and to the demands formulated at the Liège Congress by the representatives of the International Mercantile Marine Officers' Association.

These resolutions give a clear idea of the tendencies and chief desires of ships' wireless operators, and they have been considered on an international basis by the International Wireless Telegraphy Committee.

This Committee, whose work is in principle submitted once a year for discussion and approval to a body known as the International Wireless Telegraphy Law Congress, is a private international organisation of a scientific and legal character (but subsidised by a number of Governments), which is assisted by the occupational organisations interested in its work. Its functions consist of studying legal, economic, and administrative questions, collecting documentary information, and conciliation and arbitration work. Individuals and groups affiliated to the Committee are organised in national committees. The Congress is composed of delegates of the national committees, representatives of occupational organisations, and public officials or agents of Governments which desire to be represented. Since its foundation in 1922 the Committee has convened four congresses, the last of which was held at Liège in 1930. One of the items included by the Committee in the Liège agenda was the question of regulations for determining the position and conditions of wireless operators.

After having got into touch with shipowners' and wireless operators' associations, the marine wireless companies, and other bodies interested in these problems, and having ascertained their views, the Committee submitted the results of its work to the third Congress, held in Rome in October 1928. This Congress adopted a resolution requesting the Committee "to carry out an enquiry, in collaboration with the competent national committees, into the legal and economic position of wireless operators."

In pursuance of this resolution, the Committee, continuing its collaboration with the other organisations and bodies concerned, was able to collect through its national committees a body of material for submission to the fourth International Wireless Telegraphy Law Congress, held at Liège in 1930. At the conclusion of its discussions this Congress adopted the following resolution :

The Congress recommends :

(1) That a complete body of regulations, including all rules relating to conditions of work of wireless operators employed in ships engaged in maritime navigation, except ships of war, should be drawn up and promulgated in each country :

(2) That Congress ask the International Labour Office to continue the study of international regulations for wireless operators in the mercantile marine, and to include the following points, among others, in that study :

(a) To what ranks (officers, petty officers, etc.) should wireless operators be assimilated ?



- (b) Should wireless operators be required to pass through a probationary period as operators on board ship before they can be placed in charge of a ship's wireless station? If so, what should be the length of the probationary period?
  - (c) Should the master of the vessel be forbidden to require wireless operators to perform work not connected with wireless service?
  - (d) Should the use of the direction-finding apparatus be reserved exclusively to the wireless operator?
- (3) That the following recommendations should be taken into consideration:
- (a) That wireless operators in the mercantile marine should be assimilated to seamen;
  - (b) That the persons concerned and the competent authorities in each country should actively pursue the study of the question of the use of the auto-alarm, with a view to arriving at a definite solution of this question as soon as possible.

Seventeen Governments, it should be noted, sent representatives to this Congress.

On 9 October 1930 this resolution was transmitted to the International Labour Office by the General Secretary of the International Wireless Telegraphy Committee.

#### INTERVENTION OF THE INTERNATIONAL LABOUR OFFICE

This resolution of the Liège Congress in effect asked the International Labour Office to undertake, not a mere enquiry on a limited and secondary aspect of a wider question which was already under consideration, but the study of a general problem which might lead to important developments. Moreover, the resolution addressed to the Office emanated from a semi-official organisation, and it was thus only logical that it should be referred to the competent technical committee as well as the administrative body of the Organisation before action was taken on it. It is probably for these reasons that the question was submitted first to the Governing Body of the Office in April 1933, and then to the Joint Maritime Commission<sup>1</sup>, which was specially competent to express its views on the matter.

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<sup>1</sup> The Joint Maritime Commission was established by a resolution adopted by the Governing Body of the International Labour Office in March 1920 (Third Session). It consists of: (1) sixteen regular members, including seven representatives of the shipowners and seven seamen's representatives nominated by the International Labour Conference, and two members appointed by the Governing Body, representing respectively the Employers' Group and the Workers' Group of the Governing Body; and (2) four deputy members, two appointed by the shipowners' group and two by the seamen's group at the Conference. Its function is to give advice on maritime labour questions.

Having regard to the rapid developments of wireless telegraphy and the operators' demands, which sometimes run counter to the policy of strict economy followed by shipowners, it would appear to be a matter of some urgency to find solutions by which very different interests can be reconciled.

How is the tendency of Governments to increase the number and power of wireless installations in ships to be reconciled with the shipowners' reduced financial resources? What solution can be found for the difference of attitude between shipowners and wireless operators, when the former desire to make the wireless operators' examinations easier, and the latter are anxious to secure stricter methods of selection and a higher standard of professional qualifications? How is account to be taken of the legitimate aspirations of a profession which in the course of its comparatively short existence has undoubtedly won distinction in the matter of safety of life at sea, now that technical progress is possibly hastening the substitution of automatic alarm signals for human agency in the more or less near future? What striking developments in the use of wireless telephony on board ship are likely to take place, and in what new ways will they affect the work of persons employed on these duties? Will the difference between the legal position of wireless operators and that of the rest of the crew continue to widen, culminating in the transformation of the operator into a sort of public official, with his own special status and with closely defined responsibilities, and in the creation of a special body of safety officers? Or will the ultimate result be the entire absorption of wireless operators' duties in the regular work of the ship, and their complete incorporation in the crew?

It is because of these problems and of the uncertainty of the present legal position that it is considered not only that a close study should be made of this position but also that the International Labour Office is the only body suitable for investigating solutions of these problems on an international basis.

### PAST ACTION

But there is another reason why the question should be dealt with by the International Labour Organisation, i.e. the fact that the International Labour Conference has in the past adopted a number of Conventions containing provisions applicable to ships' wireless operators.

For example, the Convention concerning unemployment indemnity in case of loss or foundering of the ship, adopted by the Second Session of the Conference at Genoa in 1920, covers wireless operators. Article 1 of this international instrument definitely provides that the Convention applies to "all persons employed on any vessel engaged in maritime navigation".<sup>1</sup>

On the other hand, it must be recognised that if wireless operators are to be considered as officers, they may be excluded from the scope of the Convention of 15 June 1920 concerning placing facilities for seamen, as Article 1 of this Convention applies to "all persons, *except officers*, employed as members of the crew on vessels engaged in maritime navigation".

Further, wireless operators come under the Convention concerning seamen's articles of agreement, adopted by the Conference in 1926. Article 2 (b) of this Convention states that for the purpose of this Convention :

The term "seamen" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

The exceptions allowed under this paragraph being of a limitative character, it is clear that wireless operators are covered by this Convention.

The treatment of wireless operators as seamen in this respect has the important effect that it precludes any possibility of their being signed on for employment on board ship without the protection of an agreement. Though the difficulty to which reference has already been made of the twofold legal relationship of wireless operators still subsists, the far more serious drawback of their possible exclusion from the scope of any regulation of working conditions and from the protection afforded by articles of agreement seems to have disappeared in those countries which have ratified this Convention.<sup>2</sup>

Similarly, the 1926 Convention concerning the repatriation

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<sup>1</sup> By 1 July 1934 this Convention had been ratified by the following 21 States : Argentina, Belgium, Bulgaria, Canada, Colombia, Cuba, Estonia, France, Germany, Great Britain, Greece, the Irish Free State, Italy, Latvia, Luxemburg, Nicaragua, Poland, Rumania, Spain, Uruguay, Yugoslavia.

<sup>2</sup> By 1 July 1934 this Convention had been ratified by the following 18 States : Belgium, Bulgaria, Colombia, Cuba, Estonia, France, Germany, Great Britain, India, the Irish Free State, Italy, Luxemburg, Mexico, Nicaragua, Poland, Spain, Uruguay, Yugoslavia.

of seamen<sup>1</sup> applies to wireless operators, in virtue of Article 2 (b), the wording of this paragraph being identical with that of Article 2 (b) of the Convention concerning seamen's articles of agreement.

The position of wireless operators has not been overlooked, moreover, in the consideration which the Conference has given to the question of the regulation of hours of work on board ship.

It is true that in 1920 the Genoa Conference proposed to exclude wireless operators from the scope of the draft for a Convention which was put forward on that occasion (but not adopted for want of the required majority vote). But the Conference adopted a different attitude at its Thirteenth Session in October 1929, when it again had the same question under consideration for a preliminary discussion.

To this Session the Office submitted a Grey Report<sup>2</sup> on this question, which dealt, *inter alia*, with the position of wireless operators in the matter.

The Conference appointed a special Committee to deal with the question of hours of work on board ship, and approved the report submitted by that Committee as well as the "Draft Conclusions" appended to the report.

The Committee, whose view was subsequently endorsed by the Conference, decided not to include wireless telegraphists in the list of persons who might be excluded from the scope of the outline of a scheme for international regulation which it proposed. In the discussions of the Committee a number of proposals had been made, more particularly by the Employers' Group, aimed at excluding certain persons from the scope of the "Draft Conclusions". In particular, a proposal to add to the list of exceptions "persons not in the direct employment of the master or shipowner" gave rise to considerable discussion. In the words of the report of the Committee<sup>3</sup>:

The exclusion of such persons as barbers, flower sellers, etc., was not opposed, but the Workers' Group was afraid that the above formula would also exclude wireless operators, and cattle men, as well

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<sup>1</sup> By 1 July 1934 this Convention had been ratified by the following 16 States: Belgium, Bulgaria, Colombia, Cuba, Estonia, France, Germany, the Irish Free State, Italy, Luxemburg, Nicaragua, Mexico, Poland, Spain, Uruguay, Yugoslavia.

<sup>2</sup> *The Regulation of Hours of Work on Board Ship*. International Labour Conference, Thirteenth Session, Report I (First Discussion). Geneva, 1929.

<sup>3</sup> Cf. *Final Record of the Thirteenth Session of the International Labour Conference*, Geneva, October 1929, pp. 334-335.

as perhaps members of the crew who, after finishing their work for the master or shipowner, might have to look after the cattle on board.

A Government delegate then proposed the words: "*or persons belonging to a special occupation not directly related to maritime work and who are not employed by the shipowner or the master.*" This amendment was adopted.

On the basis of the conclusions thus adopted by the Conference a Questionnaire was drawn up by the International Labour Office and sent to the Governments, who were thus given an opportunity of expressing their views on the matter. Of the 22 States which replied to the Questionnaire, only 6, namely, Denmark, Finland, India, the Netherlands, Norway, and Sweden, expressed the desire that wireless operators should be one of the categories of persons to be excluded from the scope of the future Draft Convention, while the other 16 countries raised no objection to the principle formulated by the Conference. In view of the line thus taken by a large majority of the Governments, the International Labour Office accordingly made special reference to wireless operators in the concluding chapter of the Blue Report<sup>1</sup> prepared by it for the second discussion of the problem at a future Session of the Conference<sup>2</sup>, and included wireless operators in the preliminary draft for a Convention concerning the regulation of hours of work on board ship which is proposed in this Blue Report.<sup>3</sup>

### FUTURE ACTION

It now remains to consider what action can be taken by the International Labour Organisation in response to the desires of the International Wireless Telegraphy Committee and of the parties concerned.

It would seem that the International Labour Office might well undertake a general enquiry into the working conditions of marine wireless operators. It could well collect as complete information as possible on the various aspects of this question,

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<sup>1</sup> *The Regulation of Hours of Work on Board Ship*. International Labour Conference, Report I (Second Discussion). Geneva, 1931.

<sup>2</sup> At its Sixty-fifth Session in January 1934 the Governing Body of the International Labour Office decided to convene a special Maritime Session of the International Labour Conference in 1935. The second discussion of the question of the regulation of hours of work on board ship is to take place on that occasion.

<sup>3</sup> Article 4 of this proposed Draft Convention reads as follows:

"For persons employed on deck and for wireless operators, the rules as to normal hours of work and overtime shall be determined as follows: . . ."

and in particular on the present position in regard to the application of the existing international conventions and to the living and working conditions on board ship.

One of the methods which might be considered for collecting this information, at any rate in respect of the application of the International Labour Conventions, would be for the Governing Body, in pursuance of Article 408 of the Treaty of Peace, to insert in the annual report forms a request to Governments to provide in their reports full information as to the way in which the four Conventions concerning indemnity in case of loss or foundering of the ship, placing facilities, articles of agreement, and repatriation are applied to ships' wireless operators.

It also seems essential that information should be collected by the Office on the following points :

*A. Survey of marine wireless companies, wireless operators, and ships' wireless stations.*

(1) Number of wireless operators employed in ships' wireless stations who possess :

- (a) a first or second class wireless telegraphist's certificate, or a special certificate (third class) ;
- (b) a wireless telephone operator's certificate ;
- (c) a watcher's certificate.

(2) Number of masters and officers (with a certificate of competency or other qualifications entitling them to employment in these capacities) who also possess one of the certificates enumerated under (1) above.

(3) Number of qualified operators employed by marine wireless companies, showing their nationality and class of certificate.

(4) Number of independent operators, i.e. those who are not in the service of a marine wireless company and can therefore be engaged directly by the shipowner.

(5) Number of vessels which, whether so required or not by the international conventions in force, carry a wireless installation on board.

(6) Ownership of the wireless installations on board ship (shipowner or marine wireless company).

(7) Stipulations in agreements between shipowners and marine wireless companies which have a bearing on the position and conditions of wireless operators.

*B. Vocational training and professional capacity.*

(1) List of schools (military or civil, public or private) which train wireless operators (number of pupils, syllabus, etc.).

(2) Provisions in force governing the grant of the various classes of operator's certificate (copies of national laws and regulations on the matter).

*C. Legislative provisions governing the legal position of wireless operators.*

Legislative provisions in force :

- (a) which assimilate ships' wireless operators to seamen, either entirely or subject to certain conditions ;
- (b) which assimilate them to the crew of the vessel on which they serve ;
- (c) which assimilate them to ships' officers ;
- (d) which regulate their work on board ship, in respect of hours of work, nature of the duties to be performed, etc. ;
- (e) which lay down definite rules as to the number and category of operators to be carried by vessels on board which a wireless installation is compulsory under the international conventions in force or under national law ;
- (f) which prohibit or permit the performance of double duties.

*D. Conditions of employment of operators supplied by marine wireless companies.*

(1) Nature of the contract of employment of wireless operators supplied by marine wireless companies, with if possible a copy of the agreements (standard agreement or general conditions of service).

(2) Conditions affecting articles of agreement :

- (a) signature of the agreement, compliance with the formalities prescribed for other members of the crew when being signed on ;
- (b) inclusion or non-inclusion in the crew ;
- (c) assimilation to certain categories of the crew (rank) or inclusion in a special category ;
- (d) wages (according to category and seniority) paid by the marine wireless company or the shipowner ;
- (e) allowances in respect of service on board : by whom paid.

(3) Difficulties arising from the twofold legal relationship between the operator on the one hand and the shipowner and marine wireless company on the other ; administrative or judicial decisions bearing on this point.

(4) Conditions of employment on board of operators referred to under A (3), with, if possible, a copy of collective agreements or standard articles of agreement.

(5) Duties which operators may be called upon to perform for the shipowner, other than their normal technical services.

(6) Question of the performance of double duties :

- (a) ships' officers possessing the required certificates to whom wireless operators' duties may be assigned ;
- (b) other members of the crew (not possessing an operator's certificate) to whom such duties are entrusted.

(7) Use of direction-finding apparatus (manipulation, upkeep, etc.) ; persons to whom this duty is assigned (conditions, responsibility).

*E. Conditions of employment of independent operators.*

Information *mutatis mutandis* on the points referred to under (2), (4), (5), (6), and (7) of Section D above.

*F. Unemployment.*

(1) Extent of unemployment in the profession (with statistics for a number of years).

(2) Causes of unemployment (laying-up of vessels, increased use of auto-alarm apparatus, spread of the system of double duties, etc.).

(3) Measures taken or which might be taken to alleviate unemployment, whether by the public authorities, occupational organisations, or private institutions.

*G. Trade union organisations.*

List of organisations, with copies of their rules and other information on their work.

*H. Application of international conventions.*

(1) International Conventions of 1929 (safety of life at sea) and 1927 and 1932 (wireless communications): countries in which they are in force and legislative provisions giving effect to them.

(2) Countries which have not given effect to these Conventions: reasons for non-ratification or non-application.

*I. International regulations for wireless operators.*

Possibility and expediency of drawing up international regulations for wireless operators which would lay down the following principles:

- (a) the marine wireless operator to be a member of the crew;
- (b) the operator in principle to be considered to be a ship's officer, with such rank and prerogatives as are prescribed by national law;
- (c) during his service on board ship the operator to have a contractual relationship in respect of such service with only the shipowner, even if the operator is an employee of a marine wireless company;
- (d) the shipowner to be entitled to refuse to sign on an operator supplied by a marine wireless company, and the operator to be entitled in principle to refuse to sign on for service on the vessel to which he is assigned;
- (e) the shipowner to be at liberty to require an operator during his period of service on board ship to carry out, in addition to his normal duties, any other work in the interests of the ship or cargo, provided such work is performed within the limits (normal or exceptional) of the working time-table on board and forms part of the services usually required of a mercantile marine officer in the ship in question;
- (f) other principles which might usefully be laid down in a body of international regulations.

When material on all these points has been collected, consideration may then be given to the further action which might



be taken. For the present there is no need to anticipate what further action may be required. It is the function of the International Labour Office to centralise information and to endeavour to bring about agreement between employers and workers ; and when the Office carries out the present enquiry the discussions which this will no doubt stimulate and the information to be furnished by the occupational organisations concerned will enable it to determine the lines and points on which the question should be further pursued.