



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° PSC 006

GUIDANCE FOR INSPECTION OF HOURS OF WORK & REST

**TO: SHIPOWNERS & SHIPS' OPERATORS & MANAGERS
SURVEYORS TO FLAG STATE ADMINISTRATION**

Monaco, 08 April 2005.

The aim of this circular is to support Shipowners, ship's Operators and Managers in preparedness to Port State Control Inspection (Paris MOU).

ILO Convention N° 180 & ILO Protocol of 1996 to Convention N° 147

Fatigue has been identified as an important contributing factor to maritime casualties and to health problems of seafarers. One of its sources is excessive hours of work or insufficient rest. Convention N°180 (Seafarers' Hours of Work and the Manning of Ships Convention – entered into force on 8 August 2002) aims to limit the maximum hours of work or to provide minimum rest periods for seafarers.

Schedules of service at sea and in port (including maximum hours of work or minimum periods of rest per day and per week) should be posted on board where all seafarers may see them. Records of hours work or rest periods should be maintained.

At the same time ILO adopted Convention N°180, the Protocol of 1996 to Convention N°147 was adopted (it entered into force on 10th January 2003). Article 4 of Convention N°147 provides for Port State Control of living and working conditions of seafarers as provided in the Convention itself and in the list of Conventions mentioned in its Appendix. The Protocol of 1996 to Convention N° 147, among other things, extends the list of Conventions in the Appendix of Convention N° 147 to include Convention N°180. Thus, States which have ratified the protocol may exercise Port State Control over the provisions of Convention N°180. Their PSC Officers may inspect ships to verify if the table of working arrangements (including maximum working hours or minimum rest periods) has been posted and records are being kept.

PSC Officers may prepare a report to the Flag State and to ILO and may take measures to rectify any conditions on board which are clearly hazardous to the safety and health of the crew, including excessive working hours or insufficient rest.

Inspection of hours of work / rest

Convention N°180 defines "seafarer" as "any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Convention applies". The Convention also provides that "this Convention applies to every seagoing ships, whether publicly or

privately owned, which is registered in territory of any member for which the Convention is in force and is ordinarily engaged in commercial maritime operations“. Thus when exercising Port State Control the PSC Officer(s) may examine information relevant to any person employed on the ship.

If non-compliance with the protocol of 1996 to Convention N°147 is found, the PSC Officer(s) may, in accordance with Art. 4 of the Convention N°147:

- Prepare a report addressed to the ship's Flag State Administration and copy to the Director-General of the International Labour Office.
- Take the necessary measures to rectify the conditions on board which are clearly hazardous to safety and health.

Excessive working hours and/or insufficient rest periods for watch-keeping personnel not only violate ILO requirements but also violate the rest period requirements of the STCW Convention. If there is evidence that a crew member who is essential to the vessel's safety, (Master, Chief Engineer or another crew member), is exhausted (even if such a crew member is not specifically assigned to a watch) it will be considered by PSC Officer(s) as a significant action.

Recognition of fatigue

The PSC Officer(s) could come across a complete lack of records or falsified records. In such a case the PSC Officer(s) has/have an understanding of fatigue by the IMO document entitled “Guidance on Fatigue Mitigation and Management“.

Table with the shipboard working arrangements

Convention N°180 requires the posting, in a easily accessible place, of a table with the shipboard working arrangements, which should contain for each person at least :

- the schedule of service at sea and service at port; and
- the maximum working hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the Flag State. The table is to be established in a standardised format in the working language of the ship and in English.

It is likely that this table be posted in common spaces, such as crew and officers' mess and adjacent passageways.

- If there is no table: this is a **DEFICIENCY**, the PSC Officer will require the table to be posted prior the ship's departure. The ship could be **DETAINED**
- If the table is not accessible to the crew: this is a **DEFICIENCY**, the PSC Officer will require that the table be posted prior the ship's departure.
- If the required information is missing in the table or the table contains information which is not consistent with Convention N°180: this is a **DEFICIENCY**, the PSC Officer will require that the table be posted prior the ship's departure. The ship could be **DETAINED**.
- If the table is neither in the working language of the ship nor in English: this is a **DEFICIENCY**, the PSC Officer will require that table be posted prior the ship's departure. The ship could be **DETAINED**.

Seafarers may have performed hours of work necessary for the immediate safety of the ship. In this situation the PSC Officer will ask for evidence of the situation of emergency in the log book, including the necessary hours of work.

As soon as the normal situation has been restored, the Master should ensure that any seafarer who has performed work in a scheduled rest period is provided with adequate period of rest. This should be reported in the record of the hours of work or rest.

Records of seafarers' hours of work or rest

Records of seafarers' daily hours of work or their hours of rest should be maintained.

The PSC Officer(s) will check:

- The records of seafarers' hours of work or their hours of rest
- If the records comply with the Convention
- If the records are reasonably up-dated
- If the records are signed by the Master or his representative and by the seafarers
- If the records account for all hours in each 24-hours period

A non compliance with one or more of the above mentioned points will affect ILO Convention and STCW Convention.

The PSC Officer may ask to interview the crew members, in private.

Should there be a **DEFICIENCY**; the PSC Officer will require its rectification prior the ship's departure

Should evidence of false records be shown, the ship will be **DETAINED** until proper system of record keeping is put into place and the Master demonstrates that the crew is sufficiently rested to continue the voyage

Age of seafarers

Convention N°180 provides that no person under 16 years of age shall work on a ship. Special regulations apply to the working hours of seafarers under the age of 18.

If there are seafarers under 18 years age, the PSC Officer will check the records of daily hours of work and rest to ensure that the seafarer did not work at night ("night" is, according to Convention N°180, a period of at least 9 consecutive hours, including the interval from midnight to five a.m.).

If the seafarer under the age of 18 is found as working at night, the PSC Officer will determine if the seafarer is at least 16. If he is under 16, the appropriate Child Labour Authority is contacted.

A 16 year old, working at night is acceptable if the seafarer is part of a training programme, with established schedules, and the prohibition against working at night impair such a programme.