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THÔNG BÁO KỸ THUẬT TÀU BIỂN
TECHNICAL INFORMATION ON SEA-GOING SHIPS

Ngày 26 tháng 5 năm 2014

Số thông báo: 005TI/14TB

Nội dung: Chiến dịch kiểm tra tập trung của các Chính quyền cảng tham gia Thỏa thuận kiểm tra nhà nước tại cảng biển khu vực châu Á - Thái Bình Dương (Tokyo-MOU) và Thỏa thuận kiểm tra nhà nước tại cảng biển khu vực Tây Âu - Bắc Đại Tây Dương (Paris-MOU) về thời giờ nghỉ ngơi của thuyền viên từ ngày 01 tháng 9 đến ngày 30 tháng 11 năm 2014.

Kính gửi: Các chủ tàu/ công ty quản lý tàu biển
Các chi cục Đăng kiểm tàu biển

Tổ chức Tokyo-MOU) và Paris-MOU đã ra thông báo là các Chính quyền cảng thành viên của hai tổ chức này sẽ thực hiện Chiến dịch kiểm tra tập trung (Concentrated Inspection Campaign - CIC) về thời giờ nghỉ ngơi của thuyền viên từ ngày 01 tháng 9 đến ngày 30 tháng 11 năm 2014.

Liên quan đến nội dung nêu trên, chúng tôi xin gửi kèm Thông báo kỹ thuật tàu biển này:

- Thông tư số 05/2012/TT-BGTVT ngày 06 tháng 3 năm 2012 của Bộ Giao thông vận tải quy định thời giờ làm việc, thời giờ nghỉ ngơi đối với thuyền viên làm việc trên tàu biển Việt Nam.
- Hướng dẫn của IMO/ILO về lập bảng ghi thời giờ làm việc trên tàu và mẫu bản ghi thời giờ nghỉ ngơi trên tàu của thuyền viên.

Đề nghị các Quý Đơn vị lưu ý có sự chuẩn bị sẵn sàng cho Chiến dịch kiểm tra tập trung nói trên.

Thông báo kỹ thuật này được nêu trong mục: *Thông báo của VR/ Thông báo kỹ thuật TB* của trang tin điện tử Cục Đăng kiểm Việt Nam: <http://www.vr.org.vn>.

Nếu Quý cơ quan cần thêm thông tin về vấn đề nêu trên, đề nghị vui lòng liên hệ:

Cục Đăng kiểm Việt Nam,

Trung tâm Chứng nhận hệ thống quản lý chất lượng và an toàn (VRQC)

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Xin gửi đến các Quý Đơn vị lời chào trân trọng./.

Nơi nhận:

- Như trên;
- TB, QP, CN, CTB, VRQC, TTTH;
- Lưu TB./.

Số: 05/2012/TT-BGTVT

Hà Nội, ngày 06 tháng 03 năm 2012

THÔNG TƯ

**Quy định thời giờ làm việc, thời giờ nghỉ ngơi đối với
thuyền viên làm việc trên tàu biển Việt Nam**

Căn cứ Bộ luật Hàng hải Việt Nam ngày 14 tháng 6 năm 2005;

Căn cứ Bộ luật Lao động ngày 23 tháng 6 năm 1994, Luật sửa đổi, bổ sung một số điều của Bộ luật Lao động ngày 29 tháng 11 năm 2006 và Luật sửa đổi, bổ sung Điều 73 của Bộ luật Lao động ngày 02 tháng 4 năm 2007;

Căn cứ Nghị định số 109/2002/NĐ-CP ngày 27 tháng 12 năm 2002 của Chính phủ về sửa đổi, bổ sung một số điều của Nghị định số 195/CP ngày 31 tháng 12 năm 1994 của Chính phủ quy định chi tiết và hướng dẫn thi hành một số điều của Bộ luật Lao động về thời giờ làm việc, thời giờ nghỉ ngơi;

Căn cứ Nghị định số 51/2008/NĐ-CP ngày 22 tháng 4 năm 2008 của Chính phủ quy định chức năng, nhiệm vụ, quyền hạn và cơ cấu tổ chức của Bộ Giao thông vận tải;

Căn cứ Công ước quốc tế về tiêu chuẩn huấn luyện, cấp chứng chỉ và trực ca cho thuyền viên 78 sửa đổi 2010 mà Việt Nam là thành viên;

Bộ trưởng Bộ Giao thông vận tải ban hành Thông tư quy định thời giờ làm việc, thời giờ nghỉ ngơi đối với thuyền viên làm việc trên tàu biển Việt Nam,

Chương I

QUY ĐỊNH CHUNG

Điều 1. Phạm vi điều chỉnh và đối tượng áp dụng

Thông tư này quy định thời giờ làm việc, thời giờ nghỉ ngơi, áp dụng cho thuyền viên làm việc trên tàu biển Việt Nam.

Điều 2. Giải thích từ ngữ

Trong Thông tư này, các từ ngữ dưới đây được hiểu như sau:

1. “Thời giờ làm việc” là khoảng thời gian thuyền viên phải thực hiện nhiệm vụ của mình trên tàu.

2. “Thời giờ nghỉ ngơi” là khoảng thời gian ngoài thời giờ làm việc trên tàu; thuật ngữ này không bao gồm các khoảng thời gian nghỉ giải lao.

Chương II

**THỜI GIỜ LÀM VIỆC, THỜI GIỜ NGHỈ NGƠI ĐỐI VỚI THUYỀN
VIÊN LÀM VIỆC TRÊN TÀU BIỂN VIỆT NAM**

Điều 3. Thời giờ làm việc

1. Thuyền viên làm việc trên tàu biển Việt Nam theo ca và được duy trì 24 giờ liên tục trong ngày, kể cả ngày nghỉ hàng tuần, ngày lễ.

2. Thời giờ làm việc tối đa:

a) 14 giờ làm việc trong 24 giờ liên tục;

b) 72 giờ làm việc trong 7 ngày liên tục.

3. Trường hợp khẩn cấp liên quan đến an ninh, an toàn của tàu, của những người trên tàu, hàng hóa, giúp đỡ tàu khác hoặc cứu người bị nạn trên biển, thuyền trưởng có quyền yêu cầu thuyền viên thực hiện giờ làm việc bất kỳ thời gian nào cần thiết. Ngay sau khi thực hiện xong nhiệm vụ trong trường hợp khẩn cấp và khi tình hình trở lại bình thường, thuyền trưởng phải bảo đảm mọi thuyền viên đã thực hiện xong nhiệm vụ này trong thời giờ được phép nghỉ ngơi của họ được hưởng đủ thời giờ nghỉ ngơi theo quy định tại khoản 1 Điều 4 của Thông tư này.

4. Thời giờ làm việc của thuyền viên ở trên tàu phải lập thành bảng theo quy định tại Phụ lục I của Thông tư này. Bảng ghi thời giờ làm việc của thuyền viên ở trên tàu phải được lập bằng hai ngôn ngữ tiếng Việt, tiếng Anh và thông báo tại nơi dễ thấy. Thuyền viên phải được phát bản sao bảng ghi thời giờ làm việc của họ và có chữ ký của thuyền trưởng hoặc người được ủy quyền kiểm soát và chữ ký của thuyền viên.

Điều 4. Thời giờ nghỉ ngơi

1. Thời giờ nghỉ ngơi tối thiểu:

a) 10 giờ nghỉ ngơi trong 24 giờ liên tục;

b) 77 giờ nghỉ ngơi trong 7 ngày liên tục.

2. Số giờ nghỉ ngơi trong 24 giờ liên tục được chia tối đa thành hai giai đoạn, một trong hai giai đoạn đó ít nhất phải kéo dài 6 giờ và khoảng cách giữa hai giai đoạn nghỉ liên tiếp không được quá 14 giờ.

3. Trong trường hợp khẩn cấp hoặc trong các hoạt động quan trọng khác như: tập trung, luyện tập cứu hỏa, cứu sinh hoặc luyện tập khác theo quy định, thuyền trưởng có thể bố trí thời giờ nghỉ ngơi không theo quy định tại khoản 1 của Điều này nhưng việc bố trí đó phải hạn chế tối đa việc ảnh hưởng đến thời giờ nghỉ ngơi, không gây ra mệt mỏi cho thuyền viên và phải bố trí nghỉ bù để bảo đảm thời giờ nghỉ ngơi đó không dưới 70 giờ trong khoảng thời gian 7 ngày:

a) Việc áp dụng ngoại lệ đối với thời giờ nghỉ ngơi quy định tại điểm b, khoản 1 của Điều này không được thực hiện trong khoảng thời gian hai tuần liên tiếp. Khoảng thời gian giữa hai giai đoạn áp dụng ngoại lệ không được ít hơn hai lần khoảng thời gian của giai đoạn đã áp dụng ngoại lệ trước đó;

b) Thời giờ nghỉ ngơi quy định tại điểm a, khoản 1 của Điều này có thể được chia tối đa thành ba giai đoạn, một trong số ba giai đoạn đó không được dưới 6 giờ và một trong hai giai đoạn còn lại không được dưới một giờ. Khoảng

thời gian giữa hai giai đoạn nghỉ liền kề không được vượt quá 14 giờ. Việc áp dụng ngoại lệ không được vượt quá hai giai đoạn 24 giờ trong khoảng thời gian 7 ngày.

4. Thời giờ nghỉ ngơi của thuyền viên ở trên tàu phải được lập thành bảng theo quy định tại Phụ lục II của Thông tư này, Bảng ghi thời giờ nghỉ ngơi của thuyền viên ở trên tàu phải được lập bằng hai ngôn ngữ tiếng Việt, tiếng Anh và thông báo tại nơi dễ thấy. Thuyền viên phải được phát bản sao bảng ghi thời giờ nghỉ ngơi của họ và có chữ ký của thuyền trưởng hoặc người được ủy quyền kiểm soát và chữ ký của thuyền viên.

Chương III

TỔ CHỨC THỰC HIỆN

Điều 5. Hiệu lực thi hành

1. Thông tư này có hiệu lực thi hành sau 45 ngày kể từ ngày ký.

2. Bãi bỏ Thông tư số 20/2001/TT-GTVT ngày 12 tháng 11 năm 2001 của Bộ trưởng Bộ Giao thông vận tải hướng dẫn thực hiện chế độ thời giờ làm việc, thời giờ nghỉ ngơi đối với thuyền viên làm việc trên tàu vận tải đường biển và những quy định trước đây trái với Thông tư này.

3. Ban hành kèm theo Thông tư này 02 phụ lục sau:

- a) Phụ lục I: Bảng ghi thời giờ làm việc trên tàu;
- b) Phụ lục II: Bảng ghi thời giờ nghỉ ngơi trên tàu.

Điều 6. Tổ chức thực hiện

1. Cục Hàng hải Việt Nam có trách nhiệm chủ trì, phối hợp với các cơ quan liên quan tổ chức thực hiện Thông tư này.

2. Chánh Văn phòng Bộ, Chánh Thanh tra Bộ, Vụ trưởng các Vụ, Cục trưởng Cục Hàng hải Việt Nam, thủ trưởng các cơ quan, tổ chức và cá nhân có liên quan chịu trách nhiệm thi hành Thông tư này./.

BỘ TRƯỞNG

(Đã ký)

Đinh La Thăng

Phụ lục I

(Kèm theo Thông tư số 05/2012/TT-BGTVT ngày 06 tháng 3 năm 2012 của Bộ trưởng Bộ Giao thông vận tải)

BẢNG GHI THỜI GÌ LÀM VIỆC TRÊN TÀU (TABLE OF SHIPBOARD WORKING ARRANGEMENTS)

Tên tàu:.....
Name of ship

Số IMO:.....
IMO Number

Cảng đăng ký:.....
Port of Registry

Ngày:.....
Date

Giờ nghỉ ngơi tối thiểu của thuyền viên được áp dụng phù hợp với Công ước quốc tế về tiêu chuẩn huấn luyện, cấp chứng chỉ và trực ca của thuyền viên, 1978, và những sửa đổi 2010 (Công ước STCW).

The minimum hours of rest are applicable in accordance with the International Convention and Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended 2010 (STCW Convention).

Giờ nghỉ ngơi tối thiểu: Giờ nghỉ ngơi tối thiểu sẽ không ít hơn: 10 giờ trong khoảng thời gian 24 giờ liên tục; và 77 giờ trong khoảng thời gian 7 ngày liên tục.
Minimum Hours of Rest: Minimum Hours of Rest shall not be less than: 10 hours in any 24 hours period; and 77 hours in any 7 days period.

Chức danh Position/Rank	Giờ làm việc hàng ngày trên biển (Scheduled Daily Work Hours at Sea)		Giờ làm việc hàng ngày trong cảng (Scheduled Daily Work Hours in Port)		Ghi chú (Remarks)	Tổng số giờ nghỉ (Total Daily Rest Hours)	
	Ca trực (Watchkeeping: from – to)	Làm ngoài giờ (Non-Watchkeeping duties: from – to)	Ca trực (Watchkeeping: from – to)	Làm ngoài giờ (Non – Watchkeeping duties: from – to)		Trên biển (At Sea)	Trong cảng (In Port)

Ghi chú:.....
Remarks

Thuyền trưởng ký tên:
Signature of Master

Phụ lục II

(Kèm theo Thông tư số 05/2012/TT-BGTVT ngày 06 tháng 3 năm 2012 của Bộ trưởng Bộ Giao thông vận tải)

BẢNG GHI THỜI GIỜ NGHỈ NGƠI TRÊN TÀU (RECORDS OF HOURS OF REST)

Tên tàu: Số IMO: Cờ quốc tịch:.....
Name of Ship *IMO Number:* *Flag of Ship*
 Thuyền viên (họ và tên):..... Chức danh:.....
Seafarer (full name): *Position/Rank*
 Tháng, năm:
Month and year

Đánh dấu “X” vào khoảng thời gian nghỉ ngơi, hoặc dùng đường kẻ liên tục.
 Please mark periods of rest with an “X”, or using a continuous line.

Giờ (Hrs)	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Giờ nghỉ ngơi/24h (Hours of rest/24 h)	Ghi chú (Remarks)	
Ngày (Date)																											

Tôi cam đoan rằng bảng ghi thời giờ nghỉ ngơi của thuyền viên trên là chính xác.

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Tên/ chữ ký của thuyền trưởng hoặc người được uỷ quyền:.....

Name/ Signature of Master or Authorized Person

Chữ ký của thuyền viên (*Signature of seafarer*):

Ngày (*Date*):

Bản sao của bảng ghi chép này phải được gửi tới thuyền viên (*A copy of this record is to be given to the seafarer*).

Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest

Purpose

1 These Guidelines are intended to assist competent authorities* to develop tables of shipboard working arrangements and records of seafarers' hours of work or hours of rest as required by the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No.180) (hereinafter referred to as Convention No.180). They also take into account the provisions on establishment of rest periods for watchkeeping personnel contained in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (hereinafter referred to as the STCW Convention).

Background

2 Convention No. 180, which was adopted by the 84th (Maritime) session of the International Labour Conference (Geneva, 1996), introduced for the first time comprehensive international provisions to establish limits on seafarers' maximum working hours or minimum rest periods so as to maintain safe ship operations and minimize fatigue. The Convention includes parts on Scope and Definitions (part I), Seafarers' Hours of Work and Hours of Rest (part II), Manning of Ships (part III), Responsibilities of Shipowners and Masters (part IV) and Application (part V). The substantive text of Convention No. 180, which has been included at appendix 1, should be read prior to using these Guidelines.

3 Article 5 of Convention No. 180 lays down, *inter alia*, the requirements concerning maximum hours of work or minimum hours of rest. According to article 5, paragraph 7:

The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least (a) the schedule of service at sea and service in port, and (b) the maximum hours of work or the minimum hours of rest required by the laws, regulations and collective agreements in force in the flag State.

* ILO Convention No. 180 provides that the term *competent authority* means the minister, the governmental department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' hours of work or rest or the manning of ships.

Paragraph 8 further provides that:

The table referred to shall be established in a standardized format in the working language or languages of the ship and in English.

4 According to article 8, paragraph 1:

The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in Article 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer.

Paragraph 2 further provides:

The competent authority shall establish the format of the records taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided by Article 5, paragraph 8.

5 Following the adoption of Convention No.180, the Maritime Conference also adopted a resolution on the application of the Convention in which it requested the International Labour Office, as a matter of priority, to develop the guidelines and standardized format referred to in articles 5 and 8, taking into account the texts and proposals made by the Conference Committee and the discussions thereon. It also recommended that a tripartite group of experts be convened by ILO to assist in this exercise. It also adopted a resolution which declared that nothing in Convention No. 180 was intended to enable Members ratifying the Convention which are also Parties to the STCW Convention to apply provisions to watchkeeping seafarers less favourable than those contained in the STCW Convention and are inconsistent with the minimum rest periods in that Convention.

6 The STCW Convention requires in regulation VIII/1 that Administrations shall, for the purposes of preventing fatigue, establish and enforce rest periods for watchkeeping personnel. In addition, the regulation requires that watch systems are arranged such that the efficiency of watchkeeping personnel is not impaired by fatigue and that duties are organized so that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and fit for duty.

7 The related section of part A of the Seafarers' Training, Certification and Watchkeeping Code (STCW Code) sets minimum periods and frequency of rest and also requires that watch schedules be posted where they are easily accessible. Part B of the STCW Code provides guidance on the application of the provisions of regulation VIII/1, which includes the factors to be taken into account in the prevention of fatigue, including reference to the annex to resolution A.772(18), Fatigue factors in manning and safety. The texts of the regulation and of part A and part B of the Code are provided at appendix 2.

8 In response to the ILO resolutions cited above in paragraph 5, and in keeping with decisions taken by the 267th session (November 1996) of ILO's Governing Body and of the 68th session (May 1997) of IMO's Maritime Safety Committee, a Joint IMO/ILO Working Group met in London from 19 to 23 January 1998 to consider, *inter alia*, the development of the guidelines and standardized table showing shipboard working arrangements and a standard format for records of seafarers' hours of work or hours of rest as required by Convention No. 180. The Joint Working Group produced these Guidelines which, while referring principally to ILO Convention No.180, also may assist competent authorities to enforce the rest period requirements for watchkeepers in the STCW Convention.

9 These Guidelines focus primarily on the requirements for the development of a table showing shipboard working arrangements and a format for the records of seafarers' hours of work or rest. When competent authorities develop these tables and formats, in fulfilment of their Convention No. 180 obligation, they shall take the Guidelines into account. Special attention is also drawn to the provisions of articles 9 and 10, which set forth the role of the competent authority in the examination and endorsement of records of hours of work or hours of rest, and the action to be taken when these records or other evidence indicate infringements of the requirements.

Guidance on the development of a table of shipboard working arrangements

10 The table of shipboard working arrangements is intended to tabulate the anticipated daily work or rest periods scheduled for all seafarers on board a particular ship. The table will allow seafarers to be aware of the routine daily or weekly work periods normally expected of them at sea and in port. It may be subject to control to ensure that the shipboard working arrangements are in conformity with the requirements of Convention No. 180.

11 However, given the nature of work at sea, the table of shipboard working arrangements can only be a guide to the anticipated normal working arrangements on a particular ship and some deviation from the contents of the table may occur. It should be stressed, therefore, that such deviations may not necessarily indicate non-compliance with the requirements of Convention No. 180; this will only be established by reference to detailed records of hours worked or periods of rest which also need to be maintained (see paragraphs 16–24).

12 Convention No. 180 requires that the table of shipboard working arrangements is to be established "in a standardized format", and this will facilitate understanding by seafarers and competent authorities. The table should:

- cover the anticipated schedule of service at sea and in port for each seafarer employed on board;

- refer to watchkeeping duties as well as any additional work which is expected;
- contain the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State;
- provide a total scheduled work-rest-hour figure for each seafarer; and
- be written in the working language or languages of the ship and in English.

13 In the case of many, if not most, ship operations it will be possible for a competent authority to produce a standard format for such a table for completion by companies operating ships flying its flag. The model format attached at appendix 3 to these Guidelines would satisfy the requirements of Convention No. 180 and the STCW Convention and could be adapted as necessary to meet any specific national requirements.

14 The competent authority may also make provision for the approval of alternative formats which, while satisfying the requirements of Convention No. 180, would be more appropriate in the circumstances of specific ship operations.

15 It is recommended that, when developing a standard format or alternative formats, the competent authority should consult with ship-owners' and seafarers' organizations.

Guidance for the development of formats of the records of seafarers' hours of work or their hours of rest

16 Articles 8, 9, 10, 13 and 15 of Convention No. 180 set forth specific requirements covering the maintenance and monitoring of records of seafarers' hours of work or rest and the covering the monitoring of compliance with the provisions of the Convention. The STCW Convention, in paragraph 4 of section B-VIII/1 of the STCW Code, also recommends that competent authorities require that records of hours of work or rest should be maintained.

These Convention No. 180 requirements include:

- records of each seafarers' daily hours of work or rest shall be maintained to allow monitoring of the provisions;
- the seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer;
- the competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded;
- the competent authority shall establish the format of the records of seafarers' hours of work or their hours of rest taking into account any available ILO guidelines or shall use any standard format prepared by the Organization;

- the format of the record shall be maintained in the working language or languages of the ship and in English;
- a copy of the relevant provisions of the national legislation pertaining to Convention No. 180 and the relevant collective agreements shall be kept on board and be easily accessible to the crew;
- the competent authority shall examine and endorse the records at appropriate intervals, ensure effective enforcement, have appropriate inspection services and investigate complaints;
- the shipowner shall provide the master with the necessary resources to ensure that the requirements arising from Convention No. 180 are complied with;
- the master shall take all necessary steps to ensure that the applicable requirements on seafarers' hours of work and rest are complied with; and
- if the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringements.

17 The principal purpose of maintaining records of hours is to monitor compliance with the provisions and, while the table of shipboard working arrangements which is posted on board will in many cases provide a clear basis for a presumption of compliance, the record of hours of work or hours of rest is intended to provide confirmation that the applicable provisions of national laws, regulations, or authorized or registered collective agreements (as provided for in article 5(6) of Convention No. 180) have been adhered to.

18 Article 3 of Convention No. 180 provides that, within the limits set out in article 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded within a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

19 Article 5(1) sets out the limits on hours of work or rest, providing either that maximum hours of work shall not exceed 14 hours in any 24-hour period and 72 hours in any 7-day period; or that minimum hours of rest shall not be less than 10 hours in any 24-hour period and 77 hours in any 7-day period. Article 5(2) provides that hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length and the interval between consecutive periods shall not exceed 14 hours. Article 5(6) provides for possible exceptions to these limits.

20 While broadly comparable, the STCW Convention provisions dealing with rest periods for watchkeepers should also be taken into account. The STCW Code, section A-VIII/1, Fitness for duty, provides, in paragraph 1, that all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided with a minimum of 10 hours rest in any 24-hour period, and, in paragraph 2, that the hours of rest

may be divided into no more than two periods, one of which shall be at least 6 hours in length. Paragraphs 3 and 4 provide for limited exceptions. Further guidance is provided in section B-VIII/1, Guidance regarding fitness for duty, Prevention of fatigue.

21 Any standardized formats developed should permit competent authorities and masters to determine from these records whether the provisions of article 5, or applicable national requirements, have been complied with.

22 When the competent authority establishes a table of shipboard working arrangements for specific ship operations (as provided in paragraph 14), a simplified procedure for recording hours of work or hours of rest may be used, provided certain conditions are met. The format for recording hours of work or hours of rest should: (a) account for each hour in a 24-hour period over at least a 30-day period (see appendix 4); (b) require both the seafarer and the master, or someone authorized by the master, to sign the form, on at least a weekly basis, to verify that the daily record accurately reflects actual work or rest periods; and (c) require that deviations are described and explained. Seafarer and shipowner organizations should be consulted before any such simplified process is put in place.

23 In establishing formats for recording hours of work or rest, the competent authority should therefore take into account the following:

- the formats should be as simple to complete as possible and should avoid any unnecessary detail;
- the formats should allow any non-conformities to be identified;
- forms should be completed in respect of each seafarer, signed by the seafarer, the master or other designated officer, and a copy given to the seafarer;
- the competent authority is required to examine and endorse the records at appropriate intervals to monitor compliance;
- the format should be in the working language or languages of the ship and in English; and
- the competent authority should specify the intervals at which the information is to be recorded and establish other procedures for the maintenance and inspection of the records.

24 In order to assist competent authorities to develop such a record form, a model is attached at appendix 4 to these Guidelines which would satisfy the relevant requirements of Convention No. 180 and the STCW Convention, and which may be adapted to meet national requirements.

APPENDIX 1

Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

PART I SCOPE AND DEFINITIONS

Article 1

1 This Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of any Member for which the Convention is in force and is ordinarily engaged in commercial maritime operations. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies.

2 To the extent it deems practicable, after consulting the representative organizations of fishing-vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3 In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations or commercial maritime fishing for the purpose of the Convention, the question shall be determined by the competent authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

4 This Convention does not apply to wooden vessels of traditional build such as dhows and junks.

Article 2

For the purpose of this Convention:

- (a) the term "competent authority" means the minister, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' hours of work or rest or the manning of ships;
- (b) the term "hours of work" means time during which a seafarer is required to do work on account of the ship;
- (c) the term "hours of rest" means time outside hours of work; this term does not include short breaks;
- (d) the term "seafarer" means 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;

- (e) the term “shipowner” means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

PART II SEAFARERS’ HOURS OF WORK AND HOURS OF REST

Article 3

Within the limits set out in article 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

Article 4

A Member which ratifies this Convention acknowledges that the normal working hours’ standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers’ normal working hours on a basis no less favourable than this standard.

Article 5

1 The limits on hours of work or rest shall be as follows:

- (a) maximum hours of work shall not exceed:
 - (i) 14 hours in any 24-hour period; and
 - (ii) 72 hours in any 7-day period;

or

- (b) minimum hours of rest shall not be less than:
 - (i) 10 hours in any 24-hour period; and
 - (ii) 77 hours in any 7-day period.

2 Hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

3 Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

4 In respect of situations when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

5 If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraphs 3 or 4 are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

6 Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

7 The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State.

8 The table referred to in paragraph 7 shall be established in a standardized format in the working language or languages of the ship and in English.

Article 6

No seafarer under 18 years of age shall work at night. For the purpose of this article, "night" means a period of at least nine consecutive hours, including the interval from midnight to five a.m. This provision need not be applied when the effective training of young seafarers between the ages of 16 and 18 in accordance with established programmes and schedules would be impaired.

Article 7

1 Nothing in this Convention shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

2 In accordance with paragraph 1, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

3 As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Article 8

1 The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in article 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer.

2 The competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded. The competent authority shall establish the format of the records of the seafarers' hours of work or of their hours of rest taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided by article 5, paragraph 8.

3 A copy of the relevant provisions of the national legislation pertaining to this Convention and the relevant collective agreements shall be kept on board and be easily accessible to the crew.

Article 9

The competent authority shall examine and endorse the records referred to in article 8, at appropriate intervals, to monitor compliance with the provisions governing hours of work or hours of rest that give effect to this Convention.

Article 10

If the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringements.

PART III MANNING OF SHIPS

Article 11

1 Every ship to which this Convention applies shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issued by the competent authority.

2 When determining, approving or revising manning levels, the competent authority shall take into account:

- (a) the need to avoid or minimize, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue; and
- (b) the international instruments identified in the Preamble.

Article 12

No person under 16 years of age shall work on a ship.

PART IV RESPONSIBILITIES OF SHIPOWNERS AND MASTERS

Article 13

The shipowner shall ensure that the master is provided with the necessary resources for the purpose of compliance with obligations under this Convention, including those relating to the appropriate manning of the ship. The master shall take all necessary steps to ensure that the requirements on seafarers' hours of work and rest arising from this Convention are complied with.

PART V APPLICATION

Article 14

A Member which ratifies this Convention shall be responsible for the application of its provisions by means of laws or regulations, except where effect is given by collective agreements, arbitration awards or court decisions.

Article 15

The Member shall:

- (a) take all necessary measures, including the provision of appropriate sanctions and corrective measures, to ensure the effective enforcement of the provisions of this Convention;
- (b) have appropriate inspection services to supervise the application of the measures taken in pursuance of this Convention and provide them with the necessary resources for this purpose; and
- (c) after consulting shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Convention.

APPENDIX 2

Relevant requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995, and of the STCW Code

Regulation VIII/1

Fitness for duty

Each Administration shall, for the purpose of preventing fatigue:

- .1 establish and enforce rest periods for watchkeeping personnel; and
- .2 require that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Section A-VIII/1

Fitness for duty

- 1** All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours rest in any 24-hour period.
- 2** The hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length.
- 3** The requirements for rest periods laid down in paragraphs 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
- 4** Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of 10 hours may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond 2 days and not less than 70 hours of rest are provided each 7-day period.
- 5** Administrations shall require that watch schedules be posted where they are easily accessible.

Section B-VIII/1

Guidance regarding fitness for duty

Prevention of fatigue

1 In observing the rest period requirements, “overriding operational conditions” should be construed to mean only essential shipboard work which cannot be delayed for safety or environmental reasons or which could not reasonably have been anticipated at the commencement of the voyage.

2 Although there is no universally accepted technical definition of fatigue, everyone involved in ship operations should be alert to the factors which can contribute to fatigue, including, but not limited to those identified by the Organization,* and take them into account when making decisions on ship operations.

3 In applying regulation VIII/1, the following should be taken into account:

- .1 provisions made to prevent fatigue should ensure that excessive or unreasonable overall working hours are not undertaken. In particular, the minimum rest periods specified in section A-VIII/1 should not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties;
- .2 that the frequency and length of leave periods, and the granting of compensatory leave, are material factors in preventing fatigue from building up over a period of time; and
- .3 the provisions may be varied for ships on short-sea voyages, provided special safety arrangements are put in place.

4 Administrations should consider the introduction of a requirement that records of hours of work or rest of seafarers should be maintained and that such records are inspected by the Administration at appropriate intervals to ensure compliance with regulations concerning working hours or rest periods.

5 Based on information received as a result of investigating maritime casualties, Administrations should keep their provisions on prevention of fatigue under review.

* See IMO resolution A.772(18), Fatigue factors in manning and safety, paragraphs 2 to 4.4.1.

APPENDIX 3



Model format for a table of shipboard working arrangements¹

Name of ship: _____ Flag of ship: _____ IMO number (if any): _____ Latest update of table: _____ () of () pages

The maximum hours of work or minimum hours of rest are applicable in accordance with: _____ (national law or regulation) issued in conformity with ILO's Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), and with any applicable collective agreement registered or authorized in accordance with that Convention and with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention).²

Maximum hours of work or minimum hours of rest:³ _____

Other requirements: _____

Position/Rank ⁴	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work/rest ³ hours	
	Watchkeeping (from – to)	Non- watchkeeping duties (from – to) ⁵	Watchkeeping (from – to)	Non- watchkeeping duties (from – to) ⁵		At sea	In port

Signature of master _____

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² See overleaf for selected extracts from ILO Convention 180 and the STCW Convention.

³ Delete as applicable.

⁴ For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.

⁵ For watchkeeping personnel, the comments section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column.

Selected texts from ILO Convention 180 and the STCW Convention

ILO Convention 180

- Art. 5 paragraph 1 The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any 7-day period; or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period; and (ii) 77 hours in any 7-day period.
- Art. 5 paragraph 2 Hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- Art. 5 paragraph 6 Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.
- Art. 7 paragraph 1 Nothing in this Convention shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.
- Art. 7 paragraph 3 As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

STCW Convention

Section A-VIII/1 of the STCW Code (mandatory)

1. All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours rest in any 24-hour period.
2. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length.
3. The requirements for rest periods laid down in paragraph 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
4. Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of 10 hours may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond 2 days and not less than 70 hours of rest are provided each 7-day period.
5. Administrations shall require that watch schedules be posted where they are easily accessible.

Section B-VIII/1 of the STCW Code (guidance)

3. In applying regulation VIII/1, the following should be taken into account:
 - .1 provisions made to prevent fatigue should ensure that excessive or unreasonable overall working hours are not undertaken. In particular, the minimum rest periods specified in section A-VIII/1 should not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties;
 - .2 that the frequency and length of leave periods, and the granting of compensatory leave, are material factors in preventing fatigue from building up over a period of time; and
 - .3 the provisions may be varied for ships on short-sea voyages, provided special safety arrangements are put in place.

APPENDIX 4



Model format for record of hours of work or hours of rest of seafarers¹

Name of ship: _____ IMO number (if any): _____ Flag of ship: _____
Seafarer (full name): _____ Position / rank: _____
Month and year: _____ Watchkeeper:² yes no

Page 1 of 2

Record of hours of work/rest³

Please mark periods of work or rest, as applicable, with an X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:

I agree that this record is an accurate reflection of the hours of work or rest of the seafarer concerned.

Name of master or person authorized by master to sign this record _____

Signature of master or authorized person _____ Signature of seafarer _____

A copy of this record is to be given to the seafarer. This form is subject to examination and endorsement under procedures established by _____
(name of competent authority)

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² Check as appropriate.

³ Delete as appropriate.

