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Government of Bermuda
Department of Maritime Administration

BERMUDA SHIPPING NOTICE

HOURS OF REST REQUIREMENTS.

Summary

The management of rest hours and the recording of rest for seafarers is one regulated by ILO Convention 180 and by the STCW Convention. As such there is, and will continue to be, interest from Port State Control on the issue of hours of rest and the recording of hours in ships. Reports from surveys in Bermuda ships suggest that there is still some uncertainty about the requirements and how to record them correctly. This notice sets out the requirements that should be followed in all Bermuda ships.

Introduction

For Bermuda ships the applicable requirements are currently regulations 27, 28 and 29 of the Merchant Shipping (Training, Certification, Manning and Watchkeeping) Regulations 2005. These will shortly be amended and the hours of rest requirements will be set out in a separate set of regulations as a part of the process of creating the legislation for the Maritime Labour Convention 2006. The content of this notice reflects the current internationally required position and what will be included in the new regulations.

Hours of rest.

Bermuda has chosen to apply the requirements in terms of hours of rest and not hours of work. Internationally there are two instruments that deal with hours of rest;

The STCW Convention 1978 (as amended), and
ILO Convention 180.

Shortly the Maritime Labour Convention 2006 will come into force and this Convention also contains the requirements for hours of rest. All of these instruments are in general agreement and make it clear that the required international standard is:

For ALL seafarers a minimum of 10 hours rest in any 24 hour period, and

A minimum of 77 hours rest in any 7 day period.

The rest periods may be divided into two periods but one of them shall be of at least 6 hours, and

The interval between successive periods of rest shall not exceed 14 hours.

The requirement for separation of the rest periods into not more than 2 periods appears to be one that is not always followed. It is required that the total 10 hours of rest must be contained in no more than two periods. In other words other short periods of rest, or breaks, cannot be counted in the rest total in order to make the 10 hours.

The interpretation of the requirements is clear:- the 10 hours must be contained within the two periods. Numerous cases have been identified where crew members have had a 6 hour break and then several short breaks which total the 10 hours minimum rest, or more. This is not acceptable. There must be at least two breaks one of which is at least 6 hours and another of sufficient in length to bring the total up to 10 hours. Other breaks are then in addition to the minimum.

The 7 day total of 77 hours minimum is also important. It should be noted that the weekly 77 hours rest minimum amounts to 91 hours of work.

The requirement for a minimum period of rest "*in any 24 hour period*" is also important. It is often possible to select a period and by changing the start hour for counting, show that the requirement has not been met. As a general guide the assessment of rest "*in any 24 hour period*" should be started from the beginning of the first period of work in the day for each seafarer. This is the interpretation being used by many Port State Control officers and results in a consistent analysis. The assessment of rest within any 24 hour period is one that port state control officers are concentrating on. Failure to comply will often result in detention.

Recording of hours.

The regulations require that every seafarer must record his or her hours of rest on a record sheet which clearly shows the rest received as well as the daily totals and the weekly totals. The record sheets should be accurate. A number of cases have been identified where individual seafarers have simply put in the same periods of rest every day regardless of the operation of the ship. A quick check in the ship's log very quickly establishes the fact that the records are unreliable.

The hours of rest records should not, under any circumstances, be used to record overtime or working hours. That is an entirely separate matter that should be dealt with elsewhere.

It is acceptable for there to be minor variations. It is in the nature of ship operations that the unexpected occurs and has to be dealt with and that seafarers will occasionally have to work longer. Whenever an excursion from the minimum hours occurs for a seafarer the reason should be noted on the record sheet and the seafarer should receive compensatory rest afterwards. This should not be a regular occurrence

Hours should be recorded in a format which is the same as, or very similar to, that included in the annex to this notice. There are proprietary electronic system for recording hours and these may be used in Bermuda ships provided that the system displays the results in a format similar to that in the annex to this notice and provided that the records can be verified by each seafarer and by his supervisor weekly and remain both protected from subsequent amendment and available to the seafarer at any time.

Managing of hours.

While the purpose behind the hours of rest requirements is that of avoiding fatigue, and fatigue has led to many accidents and casualties, it is also about providing decent conditions for seafarers. The recording of hours is also a management tool that ship's senior staff should be using to manage and balance hours.

It is expected that senior officers and department managers will, when signing off on the record sheets, examine the hours recorded with a view to seeing if any particular seafarers are receiving insufficient rest on a regular basis, or indeed too much rest. Such indications provide a management tool that provides early warning of a need to re-examine the schedule of hours. This is a basic function of managing the crew resource on board and of ensuring efficiency.

Schedule of hours.

The international instruments and the regulations require that in every ship there is a schedule of hours posted up showing the planned work schedule for every seafarer, or group of seafarers. Different schedules can be created to show an in-port schedule as well as an at-sea schedule or other schedules where the working pattern on the ship changes depending on circumstances.

It is, however, an international requirement, and a requirement of Bermuda law, that the schedule be prepared and available. It is required to state, not only the expected work hours and rest periods but also to contain a statement of the minimum requirements. Every seafarer should have access to the schedule and know about it.

It is clear from survey reports that the requirements for an available schedule are often being ignored. A failure to have available a schedule is another defect that can result in port state control action.

Seafarers on call.

It is the case that on many ships, such as when unattended machinery spaces are being operated, that one person is nominated as the on-call seafarer. Periods on-call can be regarded as rest and should be recorded as rest. However if there is a call out during that on-call period the rest period is broken and the seafarer concerned needs to receive compensatory rest to keep him within the minimum requirements.

Annex 1

Model Format for recording hours of rest

Hours	Hours of rest – recorded with an “X” or a solid line.							Total in 24 hours	Comments	Rest in any 24 hours	Rest in each 7 day period
	00-01	01-02	02-03	-----	21-22	22-23	23-24				
Date											

