

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

SEAFARERS' HOURS OF WORK AND THE MANNING OF SHIPS CONVENTION, 1996 (No. 180)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period to

made by the Government of

on the

SEAFARERS' HOURS OF WORK AND THE MANNING OF SHIPS CONVENTION, 1996 (No. 180)

(ratification registered on

- I. Please give a list of the laws and regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office with this report.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws and regulations, etc., or other measures, which give effect to each Article.**

If in your country ratification of the Convention gives the force of national law to its provisions, please indicate by virtue of what constitutional texts the ratification has had this effect. Please also specify what action has been taken to implement those provisions of the Convention which require the competent authority or authorities to take action, such as a definition of its exact scope and the institution of indispensable practical measures and procedures to apply it.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

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.

Paragraph 1. Please indicate which ships are regarded as seagoing ships.

Paragraphs 2 and 3. Please indicate to what extent the provisions of the Convention are applied to commercial maritime fishing, and provide information on the consultations which have been held in conformity with these paragraphs.

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.

Subparagraph (d). Please indicate how the term "seafarer" is defined in national laws or regulations or collective agreements.

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 seven-day period;

or

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

2. Hours of rest may be divided into no more than two periods, one of which shall be at least six 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 watch-keeping 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.

Paragraph 1. Please state the maximum hours of work or the minimum hours of rest prescribed in accordance with this paragraph.

Paragraph 2. Please state the minimum length of periods of rest and the maximum interval between two such periods.

Paragraph 3. Please describe the measures taken to minimize the disturbance of rest periods as a result of musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations.

Paragraph 4. Please indicate the measures taken to ensure that seafarers required to work during their normal period of rest are given an adequate compensatory rest period.

Paragraph 6. Please describe any exceptions permitted in conformity with this paragraph.

Paragraphs 7 and 8. Please describe, or provide an example of, the format used for the table referred to in these paragraphs.

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.

Please provide information on measures taken in conformity with this Article.

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.

Paragraph 2. Please indicate the measures taken to give effect to this paragraph.

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.

Please describe how, and how often, the records of hours of work and hours of rest are examined by the competent authority.

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.

Please explain what action is taken when the provisions governing hours of work or hours of rest are infringed. Please indicate any cases where infringements have led to the revision of the manning of the ship.

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.

Please specify the sanctions and corrective measures adopted.

Please describe the procedures to investigate complaints.

Please indicate the consultations which have been held in conformity with this Article.

- III. Please state to what authority or authorities the application of the above-mentioned legislation, regulations, etc. is entrusted, and by what methods such application is supervised.
- IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- V. Please give a general appreciation of the manner in which the Convention is applied in your country and supply — in so far as the information in question has not already been supplied in connection with other questions in this form — extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.
- VII. Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

APPENDIX

The text of the

RECOMMENDATION CONCERNING SEAFARERS' WAGES AND HOURS OF WORK AND THE MANNING OF SHIPS, 1996 (No. 187)

is not reproduced here.

Please consult ILOLEX or other publications containing the text of ILO
Recommendations.