



Fifth Meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended

Geneva, 7–11 April 2025

► Annexes to proposal No. 7 (Seafarers' group): Addressing fatigue: Hours of work and rest – Exceptions

Annex A. Extracts from comments from the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on certain States regarding Standard A2.3, paragraph 13 – Hours of Work and Rest

Bangladesh

Regulation 2.3 and Standard A2.3, paragraph 13. Hours of work and hours of rest. Exceptions. The Committee previously requested the Government to specify whether the national provisions regulating the minimum hours of rest for seafarers also apply to the master, chief engineer, chief mate and second engineer and requested the Government to provide copies of the applicable collective agreements which have been authorized or registered that permit exceptions to the established limits to working time. The Committee notes the Government's indication that the draft Bangladesh Merchant Shipping (MLC implementation) Regulation 2020, including the provisions on hours of rest apply to all seafarers. The Committee further observes that Regulation 14(3) of the draft Bangladesh Merchant Shipping (MLC implementation) Regulation 2020 provides that the Director-General may authorize collective agreements allowing exceptions to the hours of work prescribed by *Standard A2.3, paragraphs 5 and 6. The Committee, once again, requests the Government to provide a copy of the applicable collective agreements.*

Bahamas

Regulation 2.3 and Standard A2.3, paragraph 13. Hours of work and hours of rest. Exceptions. The Committee requested the Government to explain whether the exceptions granted by the Bahamas Maritime Authority (BMA) under the Merchant Shipping (Training, Certification, Manning and Watchkeeping) Regulations, 2011 and reproduced on BMA Information Bulletin No. 144 (Rev. No. 00 dated 31 August 2012) and BMA Information Bulletin No. 142 (Rev. No. 01 dated 19 April 2013), are provided within the framework of collective bargaining. The Committee notes the Government's reply which however does not address its request. *Recalling that any exception to the minimum hours of rest or maximum hours of*

work prescribed by the Convention may only be authorized by collective agreement, the Committee requests the Government once again to review its applicable legislation to give full effect to Standard A2.3, paragraph 13.

Estonia

Regulation 2.3 and Standard A2.3, paragraph 13. Hours of work and hours of rest. Exceptions. The Committee notes that, in reply to its previous comment, the Government indicates that the exception to the division of rest time into a maximum of two periods, as well as to a minimum of 77 hours of rest, only applies to watchkeepers and crew members engaged in ensuring safety, prevention of environmental pollution, and security (paragraph 42 of the Seafarers' Employment Act). While noting this information, the Committee recalls that the limits on hours of work or rest shall not exceed those established under *Standard A2.3, paragraph 5*, and that any exceptions to *paragraphs 5 and 6* of this Standard, including those provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW), must follow the requirements of *Standard A2.3, paragraph 13* and be provided by no other means than collective agreements. The Committee, in this connection, notes the Government's information that there are no collective agreements that establish different working hours than provided by the law or permit exceptions to the established limits. ***The Committee requests the Government to take the necessary measures to ensure that any exceptions to the provisions set out in Standard A2.3, paragraphs 5 and 6 may only be provided through collective agreements.***

Kenya

Regulation 2.3 and Standard A2.3, paragraph 3. Hours of work and hours of rest. Normal working hours' standard. Observing that the national legislation does not indicate the normal working hours standard for seafarers, nor does it include measures that have been adopted for seafarers under the age of 18, the Committee requested the Government to adopt the necessary measures to ensure the conformity of its legislation with the requirements of *Standard A2.3, paragraph 3*, and *Standard A1.1, paragraph 2*. The Committee takes note that Regulation 20(3) of the draft Regulations prescribes measures with respect to hours of work and hours of rest for seafarers under the age of 18. ***Noting however that the Government does not provide information on measures taken to give effect to the normal working hours standard for seafarers prescribed under Standard A2.3, paragraph 3, the Committee reiterates its request to the Government to take the necessary steps to ensure compliance with this provision of the Convention.***

Regulation 2.3 and Standard A2.3, paragraphs 5, 6 and 13. Hours of work and hours of rest. Exceptions. The Committee notes that Regulation 11(9) of the Merchant Shipping (Minimum Safe Manning) Regulations, 2016, to which the Government makes reference provides that: "[t]he Authority may allow exceptions from the required hours of rest in sub-regulations (2) and (3)" (which provide for 10 hours of rest in any 24-hour period and 77 hours in any seven day period and that hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours, and the interval between consecutive periods of rest shall not exceed 14 hours). The Committee notes that Regulation 11(10) of the same Regulations provides that exceptions from the weekly rest period provided for in sub-regulation (9) shall not be allowed for more than two consecutive weeks and that the intervals between two periods of exceptions on board shall not be less than twice the duration of the exception. Regulation 11(11) further provides that the hours of rest provided for in sub-regulation (2) may be divided into not more than three periods, one of which shall be at

least 6 hours in length and neither of the other two periods shall be less than 1 hour in length, with intervals between consecutive periods of rest not exceeding 14 hours, and exceptions shall not extend beyond two 24-hour periods in any seven-day period. The Committee recalls that the limits on hours of work or rest shall not exceed those established under *Standard A2.3, paragraphs 5 and 6*, and that any exceptions which do not fall within those covered by *paragraph 14*, must follow the requirements of *Standard A2.3, paragraph 13*, and be provided by collective agreements. ***The Committee therefore requests the Government to indicate if any exceptions to the minimum hours of rest for watchkeepers have been permitted up to this date and to indicate the measures taken or envisaged to ensure that any exceptions to the provisions set out in Standard A2.3, paragraphs 5 and 6, other than those justified under paragraph 14 of the same Standard, are only provided through a collective agreement, and not fixed by law, as required by Standard A2.3, paragraph 13.***

Tuvalu

Regulation 2.3 and the Code. Hours of work and hours of rest. The Committee notes that while the Declaration of Maritime Labour Compliance (DMLC), Part I, only refers to the minimum hours of rest regime, section 9(2) and (4) of the Regulations reproduces the provisions of *Standard A2.3, paragraph 5*, of the Convention, thereby providing for the alternative between maximum hours of work and minimum hours of rest. The Committee recalls that, under *Standard A2.3, paragraph 2*, each Member shall fix either a maximum number of hours of work or a minimum number of hours of rest. The Committee considers that the determination of the system of hours of work or hours of rest has to be made by the competent authority and cannot be left to collective agreements or to the selective application by shipowners or masters. ***The Committee requests the Government to take the necessary measures to fix either a maximum number of hours of work or a minimum number of hours of rest in conformity with these provisions of the Convention.***

The Committee notes that, as provided in *Standard A2.3, paragraph 13*, of the Convention, section 9(12) of the Regulations stipulates that the competent authority may authorize or register collective agreements permitting exceptions to the limits set out regarding minimum hours of rest and maximum hours of work. ***Noting the absence of information in this regard, the Committee requests the Government to indicate if any such agreement has been authorized and, if so, to provide a copy of it.***

United Kingdom of Great Britain and Northern Ireland

Regulation 2.3 and Standard A2.3, paragraph 3. Hours of work and hours of rest. Normal working hours' standard. The Committee notes that the Government has adopted a system of minimum hours of rest. ***The Committee requests the Government to indicate how it ensures that the normal working hours for seafarers are based not only on an eight-hour day but also on one day of rest per week and rest on public holidays, as provided for under Standard A2.3, paragraph 3, giving due consideration to Guideline B2.3.1.***

Regulation 2.3 and Standard A2.3, paragraph 13. Exceptions to the limits on hours of work and hours of rest. The Committee notes that Regulation 7 of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 allows exemptions to the limits of hours of work and hours of rest agreed through collective agreement or workforce agreements. It also notes the Government's indication that the Maritime Coastguard Authority authorized agreements for 8 hours on/8 hours off working patterns and agreements to provide daily rest to be taken in three periods, one of which must be at least six hours, and that these agreements were made on a case-by-case basis in consultation with the United

Kingdom's social partners. The Committee further notes that the Government has not provided a reply to the observations made by Nautilus International alleging that the workforce agreements mentioned by the Government were concluded to circumvent consultations with unions and are inconsistent with the cornerstone of the Maritime Labour Convention, 2006, as amended, which should be consultation with the social partners/collective agreements. ***The Committee requests the Government to provide its comments in this regard.***

Annex B. Extracts from legislation of certain States relating to hours of work and rest notified to the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR)

Introduction

The following flag states represent the top three largest ship registers in the world and account for 40 per cent of the world fleet by dead-weight tonnage (DWT). They are considered indicative of the common practices in the shipping industry with regard to the regulation of hours of work and rest.

At the end of 2023, there were around 68,000 vessels in the world trading fleet with a carrying capacity of 2,224 million DWT.

Liberia: 219 million DWT, 5,500 ships

Ref.: Marine Notice MLC-003, Rev. 02/11

3.3. Hours of work and hours of rest

- 3.3.1. The Administration has provided for the minimum hours of rest of not less than **10 hours in any 24-hour period; and 77 hours in any seven-day period**, however with proper notice to the Administration, shipowners may choose to apply the maximum hours of work of not more than 14 hours in any 24-hour period; and 72 hours in any seven-day period, but shall not implement both on the same vessel.
- 3.3.2. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- 3.3.3. This period of 24 hours shall begin at the time a seafarer starts work immediately after having any period of one hour and over off duty.
- 3.3.4. The shipowner shall ensure that musters, fire-fighting; lifeboat; security and oil-spill drills, safety & security exercises are conducted in such a manner so as to minimise the disturbance of rest periods and not to induce fatigue.
- 3.3.5. The shipowner shall ensure that adequate compensatory rest period is provided if the normal period of rest is disturbed for call-outs to work, such as when a machinery space is unattended, during the normal hours of rest. Any compensatory rest provided shall be consistent with minimum rest hour requirements in any 24-hour period.
- 3.3.6. The shipowner shall post in an accessible place in the standardized format established by the Administration or in the ILO/IMO model format, a table of shipboard working arrangements containing the following information for every position on board the ship provided in English and the working language of the ship:
 - (a) position of the seafarer;
 - (b) the schedule of service at sea and service in port; and
 - (c) the minimum hours of rest or the maximum hours of work, as applicable.

Other forms of the tables of shipboard working arrangements may be accepted, provided the required information is included.

- 3.3.7. The shipowner shall ensure that records of daily hours of work or daily hours of rest are maintained in a standardised format as established by the Administration or in the ILO/IMO model format, in English and in the working language of the ship, to allow monitoring of compliance with the requirements in 3.3.1 to 3.3.7 inclusive. Other forms of record keeping may be accepted provided the required information is included.
- 3.3.8. The shipowner shall ensure that seafarers receive a copy of their records as referred to in 3.3.7 above, endorsed by the master, or a person authorized by the master, and by the seafarer.
- 3.3.9. Formats of the table of shipboard working arrangements and record of work or rest periods are provided in the annexes to this Marine Notice.
- 3.3.10. **Any applicable collective agreement may permit an exception to the 77-hour rest in any 7-day period in 3.3.1 provided:**
- (a) the working pattern does not compromise the safety and security of the ship and the protection of the marine environment;
 - (b) that the **rest period is not less than 70 hours in any 7-day period;**
 - (c) such an exception from the weekly rest period **shall not be allowed for more than two consecutive weeks;**
 - (d) **the intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.**
- 3.3.11. **Any applicable collective agreement may permit an exception to the two rest periods in any 24-hour period in 3.3.2 provided:**
- (a) the hours of rest in any 24-hour period may be divided into **no more than three periods**, one of which shall be at least six hours in length and neither of the other two periods shall be less than one hour in length;
 - (b) exceptions to the two rest periods in any 24-hour period **shall not extend beyond two 24-hour periods in any 7-day period and the intervals between consecutive periods of rest shall not exceed 14 hours.**
- 3.3.12. Collective agreements permitting such exceptions as in 3.3.10 and/or 3.3.11 above **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.**
- 3.3.13. **Shipowners desiring to implement such exceptions shall record this in the DMLC-II under 'Hours of work or rest'.**
- 3.3.14. The master has the right to suspend the schedule of rest and 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. 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.
- 3.3.15. The shipowner shall ensure that if there is a deviation from the schedule of service at sea and service in port, an explanation for this deviation should be recorded. Deviation from the schedule is not an infringement, provided the minimum hours of rest are being adhered to.

- 3.3.16. The shipowner shall ensure that there are procedures for on-board monitoring of the rest periods of the seafarers.

Marshall Islands: 217 million DWT, 5,400 ships

Ref.: Marine Notice No. 7-051-2, Rev. 5/12

- References:
- (a) ILO Consolidated Maritime Labour Convention, 2006
 - (b) STCW Convention, 1978, and the STCW Code, as amended
 - (c) Marshall Islands Maritime Regulations (MI-108), § 7.51
 - (d) IMO/ILO Guidelines for the Development of Tables of Seafarers Shipboard Working Arrangements and Formats of Records of Seafarers Hours of Work or Hours of Rest

1.0. Minimum Hours of Rest

- 1.1. Reference (a) above mandates that each Member State shall (within specified limits) fix either a maximum number of hours of work, or minimum number of hours of rest, for a given period of time. In keeping with this mandate, this Administrator has elected to establish a minimum hours of rest standard with which shipowner/operators must comply.
- 1.2. The minimum limits on hours of rest provided under reference (c) above are summarized as follows:
 - 1. 10 hours in any 24-hour period, which may be divided into no more than two (2) periods – one of which shall be at least six (6) hours in length, and no more than 14 hours between any consecutive periods; and
 - 2. 77 hours in any seven-day period.
- 1.3. Additional provisions under reference (c) above address the timing of musters and drills, as well as compensatory rest periods for seafarers on call when normal periods of rest are disturbed by call outs to work.
- 1.4. Notwithstanding paragraph 1.2, the Master shall have the right to suspend the minimum limits on hours of rest and 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. In such cases, and as soon as practicable after normal conditions have been restored, the Master shall ensure the seafarers are provided with an adequate period of rest.
- 1.5. Whilst reference (b) above provides for specific exceptions from the minimum limits on hours of rest, **exceptions to these limits are only permitted under reference (c) above when recognized within a collective agreement.** Due to the difference between the two Conventions on this issue, **the exception provisions under reference (b) above shall not be utilized unless permitted under the seafarer's collective agreement where applicable.**
- 1.6. Ultimately, it is the responsibility of the shipowner/operator to ensure that all seafarers employed onboard its vessels adhere to the minimum limits on hours of rest prescribed in paragraph 1.2. The Company shall consider the trade in which the ship is engaged and the workload of the crew, which **may require assignment of additional personnel for the safe execution of tasks with respect to SMS duties in normal operations and during emergencies.**

Panama: 343 million DWT, 8,587 ships

Ref.: Merchant Marine Circular MMC-268

1. The purpose of this circular is to inform users of the Panamanian Registry about the new regulation pertaining to the minimum limits of rest hours for seafarers and other related matters.
2. The limits of minimum rest hours established on this Circular are applicable to all seafarers on board Panamanian flagged ships to whom the Maritime Labour Convention, 2006 (MLC, 2006) applies.
3. The minimum rest hours shall not be less than:
 - (a) ten (10) hours in any 24-hour period; and
 - (b) seventy seven (77) hours in any seven-day period.
4. Rest hours may be divided into no more than two periods, one of which shall be at least six (6) non-interrupted hours in length, and the interval between consecutive periods of rest shall not exceed fourteen (14) hours.

(a) Exceptions to the minimum limits of rest hours for seafarers are allowed in accordance to Regulation 2.3.13 of the Maritime Labour Convention, 2006 (MLC, 2006), as long as these are recognized within a collective agreement or adjusted to the provisions established in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 78 (STCW, 78), Amended. It may be taken into account more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.
5. The master of a ship shall have the right to interrupt and suspend the rest hours of the seafarers whenever it is required:
 - (a) To ensure the immediate safety of the ship, persons on board or cargo, or to provide assistance to other ships or persons in distress at sea until the normal situation has been restored.
 - (b) To perform periodical exercises such as firefighting, lifeboat drills and others established by national and international regulations to be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.
 - (c) To perform imperative operational duties which are essential and unpostponable due to environmental or safety reasons or otherwise non-foreseeable when starting the voyage.

Once 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.
6. Every ship shall maintain and post in an accessible place and at the disposal of the competent authorities, a table describing the working organization on board the ship, indicating at least for each position, the following:
 - (i) the schedule of service at sea and service in port
 - (ii) the minimum number of rest hours

(iii) entry for each position or rank.

Such table shall adjust to each type of ship and be prepared by the shipowner or operator in accordance to the guidelines of the IMO/ILO and written in the working language or languages of the ship and in English.

7. All ships shall carry the daily records of the seafarers rest hours that shall serve as documentary evidence to prove effective compliance with the minimum rest hours of the seafarers.

The Panama Maritime Authority shall adopt a standardized template of the daily rest hours in accordance to the Guidelines of the IMO/ILO, with the purpose to ensure control and compliance, nonetheless, shipowners or operators may develop or adjust the registry of daily rest hour including electronic registries, as long as the criteria and minimum information established on the IMO/ILO Guidelines, are met.

The daily rest hours shall be written in the working language or languages of the ship and in English.

8. Seafarers shall maintain records of the daily rest hours concerning them, which shall be initialled by the master, or person authorized by him, and by the seafarer.
9. The master or the person appointed by him is required to establish and maintain the organization of proper and efficient watchkeeping periods, with the purpose to ensure compliance with rest hours, avoiding fatigue without risking the safety of the ship and crew at all times.
10. Any seafarer to which the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 78 (STCW, 78), Amended is applicable, shall be subject to this Circular, regardless of in what ship they may be.