

## **SHIPPING NOTICE 05/2014**

### **REQUIREMENTS AND GUIDANCE FOR RECORDING HOURS OF WORK AND REST ON CAYMAN ISLANDS FLAGGED VESSELS**

**To: OWNERS, MANAGERS, OPERATORS AND MASTERS OF CAYMAN ISLANDS SHIPS (INCLUDING YACHTS).**

#### **1. Background**

- 1.1 The purpose of this Shipping Notice is to provide guidance on the recording of hours of work and rest which is a requirement of the Maritime Labour Convention (MLC) on Cayman Islands Ships.
- 1.2 The MLC entered into force internationally on 20 August 2013. The UK ratified the convention on 8 August 2013 which means it entered into force for the UK on 7 August 2014. The MLC has been extended to the Cayman Islands by the UK who is the ratifying ILO Member State which means that the MLC also entered into force for the Cayman Islands on 7 August 2014. More information on the MLC can be found on the [MLC Section of the website](#).

#### **2. General**

- 2.1 The MLC 2006 requires that each Member State shall fix either a maximum number of hours of work, or minimum number of hours of rest, for a given period of time for all seafarers. In keeping with this requirement, the Cayman Islands Shipping Registry (CISR) has elected to continue with its current requirements and has established a minimum hours of rest standard with which shipowner must comply.
- 2.2 "Hours of rest" means time outside hours of work and does not include short breaks. The minimum requirement for hours of rest provided should be:
  1. 10 hours in any 24-hour period, which may be divided into no more than 2 periods, one of which shall be at least 6 hours in length, and no more than 14 hours between any consecutive periods; and
  2. 77 hours in any 7 day period.

#### **3. Drills and periods on call**

- 3.1 It is appreciated that some seafarers will be off duty when musters, fire-fighting and lifeboat drills are conducted but these should be arranged in a manner that minimises the disturbance of rest periods and does not induce fatigue.
- 3.2 When a seafarer is on call, such as when a machinery space is unattended, the seafarer must have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

#### **4. Table of shipboard working arrangements**

- 4.1 A table (or tables for different departments) of shipboard working arrangements shall be provided to each ship, tabulating the anticipated daily working periods scheduled for all seafarers. This is to ensure that expected routine working arrangements are made available for the awareness of the crew. Due to the nature of service at sea some deviation from the schedule is to be expected, and such deviations will not necessarily indicate non-compliance with the minimum rest periods required.
- 4.2 The table should be prepared by the shipowner and be vessel specific. A standard format has been established by the CISR based on ILO Guidelines and is attached to this notice as a Schedule - Model format of Table of Shipboard Working Arrangements.
- 4.3 Shipowners are can develop their own company forms provided that at least the following information is included:
1. entries for each position / rank of seafarer;
  2. schedules of service at sea and in port; and
  3. statement of the minimum hours of rest required.
- 4.4 In order to ensure awareness by all seafarers of the shipboard working arrangements, the table, which should be in English, must be posted in a place or places easily accessible to the seafarers working onboard. The table must also be available for inspection by CISR surveyors and port state control officers.
- 4.5 The table of shipboard working arrangements can be on a computer network that is available to all seafarers onboard if the ease of accessibility can be demonstrated to CISR surveyors during and MLC inspection.

#### **5. Recording hours of rest**

- 5.1 A record must be kept of the seafarers daily hours of rest to allow monitoring and provide documentary evidence of compliance with the minimum hours of rest requirements, and to record any deviations from the requirements.
- 5.2 Any breaches or deviations of the hours of rest must be shown and also any compensatory rest periods given in lieu or in advance of any unavoidable minor deviations.
- 5.3 The records of daily hours of rest shall be maintained in English as it is necessary to ensure they are available for inspection by CISR surveyors and port state control officers. Each seafarer should receive a copy of his or her personal records, generally monthly, which must be endorsed by the Master, or a person authorised by the Master, and by the seafarer.

#### **6. Electronic recording and storage**

- 6.1 Increasingly ships are keeping records in an electronic format. Shipowners may develop, or purchase, electronic systems that record the hours of rest for seafarers on their vessels and these systems should be as follows:
1. the format must be based on the ILO guidelines;
  2. the electronic records must be accessible to all seafarers and be secure from unauthorized alterations after entering;
  3. there must be a means for the records to be endorsed by the seafarer and the Master;

4. there must be a means for the seafarer to receive a copy of their hours of rest records;
5. the system must be available for inspection by CISR surveyors and port state control officers.

**7. Exceptions to minimum hours of rest allowed under MLC.**

7.1 The CISR may permit exceptions to the minimum hours of rest required by the regulations that have been either:

- produced as part of a collective agreement; or
- applied for by the shipowner with evidence that the exception being applied for has been agreed by the seafarers and/or the seafarers representatives.

7.2 The exceptions must, as far as possible, follow the requirements relating to the minimum hours of rest in the regulations, but may take account of:

- more frequent or longer leave periods;
- the granting of compensatory leave for watchkeeping seafarers, or seafarers working on board ships on short voyages.

**8. Further Information:**

8.1 Should you have any queries on any aspect of the MLC please contact James Hatcher by email to [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com).

**Schedule**

**MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS**

Name of Ship: \_\_\_\_\_ IMO number: \_\_\_\_\_

Details of any equivalent arrangements set out in a collective agreement for the ship:

\_\_\_\_\_

\_\_\_\_\_

A copy of any equivalent arrangements set out in a collective agreement in place on this ship can be found at:

\_\_\_\_\_

\_\_\_\_\_

Position / Rank	Scheduled daily work hours at sea		Scheduled daily work hours in port		Total hours of work at sea	Total hours of work at port
	Watchkeeping ( from - to )	Non - Watchkeeping duties ( from - to )	Watchkeeping ( from - to )	Non - Watchkeeping duties ( from - to )		

Signature of Master \_\_\_\_\_

Date \_\_\_\_\_

**SUMMARY OF HOURS OF REST REQUIREMENTS**

In accordance with MLC 2006 the minimum hours of rest for all seafarers are:

- 10 hours in any 24 hour period; and
- 77 hours in any 7 day period.

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

Nothing in this table or in regulations impairs the right of the master to require a seafarer to perform any hours of work necessary in an emergency etc. 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 a compensatory period of rest.