

# NAUTICAL NOTES

NOTE NO 10

30.01.98

**Hours of Work (As in stress, fatigue & tiredness)**



## NAUTICAL NOTE NO 10

1. Having been involved in a recent case where a vessel grounded at full speed with the OOW fast asleep we reviewed the legislation in the area with a view to a mitigation defence. We also took account of the numerous letters and articles which also supported mitigation and have now compiled them as a series of notes.

- (a) STCW Section A-VIII/I
- (b) (UK) SI No 157 1995 Merchant Shipping (Hours of work) Regulation 1995
- © M Notice 1602 hours of work regulation
- (d) ILO  
and additionally we found the following
- (e) US Waters (ship-ship operations) 33 CFR Part 156 Section 210

## 2. THE RESPONSIBILITY OF OWNER OR OPERATOR

2.1) There is now an identifiable responsible person for the ship (presumably what used to be called a ships husband). This person will have to be **responsible** for the actions of the vessel and inter alia this will include the working hours of the crew.

2.2) The responsible person will have to make sure that there are sufficient crew to work the ship within the hours of work regulations, minimum rest periods and to monitor those hours and to record deviations from the norm.

## 3. WORK PATTERNS

It may well be that in many circumstances for many ships there will be a requirement for either an extra watchkeeper or for the ship to be delayed until

officers have had sufficient rest. Clearly there will be conflicts of interest until guidelines are clarified. Importantly there is now someone ashore that the authorities can prosecute rather than a rebellious "company".

- 4 on 4 off - Not approved for British Ships under S1 No 157 (minimum 7 hours rest)
- 6 on 6 off - Not approved for British Ships under S1 No 157 (minimum 7 hours rest)
- 8 on 8 off - Not allowed under USGG CFR 33

Does this mean we will see 7 on 7 off which gives the minimum rest but extends the watchkeeping time! Or perhaps the dog watch can make a comeback!

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#### **4. WATCH SCHEDULES TO BE POSTED**

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It is a requirement that watch schedules are posted prominently. All officers are to keep records of hours of rest and a "Deviation Log" maintained to record deviations from the norm.

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#### **5. NOTES TO THE RULES**

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Any rest period of less than 2 hours will not count towards the aggregated total. The minimum rest period of 10 hours may for 2 consecutive days only be reduced to 6 hours.

Weekly hours limited by the STCW requirement are 70 hours off in seven day period.

Attendance at a shipboard emergency drill does not count as a break, in a rest period.

All persons who are assigned duty as an officer in charge of a watch or as a rating forming part of a watch shall be provided with a minimum period of 10 hours rest in any 24 hour period.

The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length.

STCW Section B-VII/1 states, "In observing the rest period requirements overriding operational conditions, should be construed to mean only essential shipboard work which cannot be delayed for environmental or safety reasons or which could not reasonably have been anticipated at the beginning of a voyage".

To comply with the British regulations any schedule must:

- a) set out the hours of work for:
  - i) Masters and seamen whose work includes regular watch keeping duties or ship handling; and
  - ii) the ship's Chief Engineer, Chief Officer and Second Engineer Officer, so as to provide that they do not work more hours than is safe in relation to the safety of the ship,

- b) "Specifies" the maximum period of continuous watch keeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and
- c) "Provides" that an uninterrupted period of at least 7 hours off-duty in each 24 hours period is normally available for rest, or that, if this is not practical, periods of rest aggregating 16 hours off-duty are normally available in each 48 hour period having regard to the provisions of regulation 2.

It is the duty of the Master to ensure, as far as is reasonably practical, that the hours of work specified are not exceeded but if they are, he must record all deviations from the schedule. Similarly personnel are not expected to work exactly the hours specified just for the sake of it.

The requirement therefore is to produce a schedule, and for the Master to record all deviations from the schedule.

The Master (and his shipboard management team) must be alert to evidence of fatigue in each other and in all shipboard personnel. If a problem arises which cannot be resolved the Master should not hesitate to cease operations in order to permit personnel to get their required rest. Should it be necessary to cease cargo operations, hold the vessel alongside prior to sailing, or at anchor, to achieve the required rest period for key personnel, the Master should take this action in compliance with the legislation.

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## 6 THE UNITED STATES

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33 CFR Part 156 Subpart 156.210

Vessels conducting Ship to Ship transfer Operations in areas under the jurisdiction of the US Coast Guard must also meet with the requirement that a licensed individual or Seaman may not work (except in an emergency or a drill) more than 15 hours in any 24 hour and 72 hour period, including the 24 hour and 72 hour period prior to commencement of lightering.

Consequently 8 on 8 off is outlawed as this would exceed the 15 hour rule. As in these situations it is necessary to man the bridge as well as the deck, care must be taken when delegating duties.

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## 7. OUR PERSONAL VIEWS

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Cases are coming before the Courts and it is those on board (of any nationality) who are being prosecuted by the MSA in the UK for breaking the UK rules. Thus far the MSA have not attempted to prosecute the management. It is therefore to those on board that attention to these matters is directed. It is your lives, your livelihood that is at risk.

It is our view that the authorities have no interest in the Management, those on board are an easy target and will continue to be so.

It is also our view that a vigorous mitigation defence does assist in reducing fines, those handed down being low to moderate (given the damage to vessels and the environment).

Death of a crew member (or others) caused by the same actions will no doubt be viewed much more seriously.

We have stopped cargo operations as Charterers expeditors due to crew being overtired, usually the Chief Officer being “dead on his feet” after long discharges on tankers. We shouldn’t have to take these actions, management should be better organised. No one is there to check up on hours of work whilst actually navigating. Just the Court if it goes wrong.

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