



Gibraltar Maritime Administration

HM Government of Gibraltar

Watergate House
2/8 Casemates Square
Gibraltar

Tel (+350) 200 46862 / 47771 / 50424
Fax (+350) 200 47770
e-mail: maritime.survey@gibraltar.gov.gi
maritime.registry@gibraltar.gov.gi

Maritime Labour Notice (MLN) – 009(a)

To: Ship Owners, Operators, Masters, Officers and Classification Societies

MLC Title 2.3 Hours of work and hours of rest

This MLN provides guidance on compliance with Gibraltar regulations which give effect to MLC 2006 Title 2.3. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.

The guidelines do not preclude the shipowner from demonstrating an equivalent or higher standard as an “alternative method” of evidence of compliance.

Documents referred to in this notice:

Maritime Labour Convention 2006

Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2012. Reg. 15

Most regulations and notices are available on the Gibraltar Government website; www.gibraltarship.com

Hours of work and hours of rest

1. General requirements

- 1.1. The ship-owner, master and employer of a seafarer on board a Gibraltar ship must ensure that the normal working hours' standard for the seafarer is, in principle, based on an eight-hour day with one day of rest each week and rest on public holidays.
- 1.2. “Hours of rest” means time outside hours of work and does not include short breaks.
- 1.3. The minimum requirement for hours of rest provided are:
 - 1.3.1. 10 hours in any 24-hour period; and
 - 1.3.2. 77 hours in any 7-day period.
- 1.4. The 10 hours of rest period may be divided into no more than 2 periods, one of which is to be at least 6 hours in length, and the interval between consecutive periods of rest must not exceed 14 hours.

1.5. Gibraltar registered ships are required to follow these requirements and the exceptions to the hours of rest introduced in the 2010 STCW Manila amendments are not recognised by Gibraltar Ship Registry until these come into force internationally

2. Drills and periods on call

2.1. The ship-owner must ensure that:

2.1.1. musters, fire-fighting and lifeboat drills are conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue, and;

2.1.2. if the seafarer's normal period of rest is disturbed by call-outs to work, the seafarer has an adequate compensatory rest period.

If;

2.1.3. no collective agreement, workforce agreement or arbitration award relates to the application of sub-regulation (5) to a seafarer, or;

2.1.4. the Maritime Administrator considers that the provisions of such an agreement or award are inadequate to ensure that the seafarer has sufficient rest;

2.2. The Maritime Administrator may, as he considers necessary, determine the requirements with which the shipowner, master and employer of the seafarer must comply as respects sub-regulation (5) in order to ensure that the seafarer has sufficient rest.

2.3. The master of a Gibraltar ship may;

2.3.1. require a seafarer to perform any hours of work necessary for the immediate safety of the ship, of persons on board the ship or of cargo on board the ship, or for the purpose of giving assistance to other ships or persons in distress at sea;

2.3.2. in accordance with paragraph (a), may suspend the schedule of hours of rest until the normal situation has been restored, and;

2.3.3. must, as soon as possible after a normal situation has been restored, ensure that any seafarer who has performed work in a scheduled rest period is provided with an adequate period of rest.

2.4. Authorised exceptions to minimum hours of rest.

2.4.1. The Maritime Administrator may authorise collective agreements or workforce agreements which:

2.4.1.1. exceptions to the minimum hours of rest mentioned in regulation 15(2)(b), and;

2.4.1.2. provide for exceptions to regulation 15(3).

2.5. A collective agreement or workforce agreement under sub-regulation (1)(a) must require that:

2.5.1. there are at least 70 hours total rest in any period of 7 days;

2.5.2. the exceptions provided for in the agreement do not apply in relation to a period of more than two consecutive weeks, and;

2.5.3. where the exceptions apply in relation to two periods separated by an interval, the interval is at least twice the duration of the longer of the two periods;

- 2.5.4. a collective agreement or workforce agreement under sub-regulation (1)(b) must require that the 10 minimum hours of rest mentioned in regulation 15(2)(a) are divided into three periods;
- 2.5.5. one of the three periods is at least 6 hours long and neither of the two other periods are less than one hour long;
- 2.5.6. intervals between consecutive periods do not exceed 14 hours each, and;
- 2.5.7. the exceptions provided for in the agreement do not apply in relation to more than two 24 hours periods in any 7 days period.

2.6. Exception for emergencies.

- 2.6.1. The master of a ship to which this regulation applies may require a seafarer to work 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 another ship or to a person in distress at sea.
- 2.6.2. As soon as practicable after the normal situation has been restored the master must ensure that any seafarer who has performed work in hours of rest scheduled in the table under regulation 17(1)(c) is provided with an adequate rest period.

3. **Table of shipboard working arrangements**

- 3.1. 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.
- 3.2. The table shall be prepared by the shipowner and be specific to each vessel. A standard format has been established by the Gibraltar Ship Registry based on ILO Guidelines, and is provided under Annex I, Model format of Table of Shipboard Working Arrangements.
- 3.3. Shipowners are free to develop their own company forms provided that at least the following information is included:
 - 3.3.1. entries for each position / rank of seafarer;
 - 3.3.2. schedules of service at sea and in port, and;
 - 3.3.3. statement of the minimum hours of rest required.
- 3.4. In order to ensure awareness by all seafarers of the shipboard working arrangements, the table, which should be in English, shall be posted in a place or places easily accessible to the seafarers working onboard. The table must also be available for inspection by Gibraltar Ship Registry inspectors and port state control officers. The posting can be on a computer network that is available to all seafarers onboard if the ease of accessibility can be demonstrated to inspectors.

4. **Recording hours of rest**

- 4.1. Each seafarer is required to maintain a record of his/her daily hours of rest, the principal purpose for the record being to allow monitoring and provide documentary evidence of compliance with the minimum hours of rest requirements, and to record any deviations from the requirements
- 4.2. The Gibraltar Ship Registry has developed a standard format for the record of daily hours of rest, based on ILO Guidelines, and is provided under Annex II, Record of Hours of Rest. As with the table of shipboard working arrangements, shipowners are free to develop their own company forms provided that such records maintain the required information.
- 4.3. The records of daily hours of rest shall be maintained in English to comply with having them available for inspection by Gibraltar Ship Registry inspectors and port state control officers. Each seafarer shall receive a copy of the records, generally monthly, pertaining to him or her, which shall be endorsed by the Master, or a person authorised by the Master, and by the seafarer.

5. **Electronic recording and storage**

- 5.1. We are aware that increasingly ships are keeping records in an electronic format and this is a natural development. 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:
 - 5.1.1. the format must be based on the ILO guidelines;
 - 5.1.2. the electronic records must be accessible to all seafarer and are secure from unauthorized alterations after entering;
 - 5.1.3. there must be a means for the records to be endorsed by the seafarer and the Master;
 - 5.1.4. there must be a means for the seafarer to receive a copy of their hour of rest records;
 - 5.1.5. the system must be available for inspection by Gibraltar Ship Registry inspectors and port state control officers.

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

- 6.1. 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:
 - 6.1.1. more frequent or longer leave periods;
 - 6.1.2. the granting of compensatory leave for watch-keeping seafarers, or seafarers working on board ships on short voyages.

Dylan Cocklan
Maritime Administrator (Ag)

Issue date: 26 November 2020

All notices are available through www.gibmaritime.com

This copy of the Administrative Instruction has been sent electronically and does not carry a signature or official stamp. A signed and stamped copy will be available upon request

Annex I

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 in 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:

- a. 10 hours in any 24 hour period; and
- b. 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.

