



Gibraltar Maritime Administration

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Shipping Guidance Notice 094 – Hours of Work and Fatigue

To: Ship Owners, Operators, Master's, Classification Societies and Recognised Organisations

References:

- International Convention on Standards of Training Certification and Watchkeeping 1978, as amended;
- Gibraltar Merchant Shipping (Seafarers' Hours of Work and Medical Examination) Regulations 2003;
- Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006;
- Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013;
- UK MCA MGN 505 Human Element Guidance - Part 1 Fatigue and Fitness For Duty: Statutory Duties, Causes Of Fatigue And Guidance On Good Practice;
- UK MCA MGN 520 Human Element Guidance - PART 2 The Deadly Dozen - 12 Significant People Factors in Maritime Safety;

1. Background

The International Convention on Standards of Training, Certification and Watchkeeping 1978, as amended (STCW), was amended in June 2010 ("the Manila amendments"). The amendments incorporated changes to Regulation VIII/1, Code A-VIII/1 and B-VIII/1 with regards to Fitness for duty – hours of rest.

The Manila amendments to STCW Regulation VIII/1 and Code A-VIII/1 came into force on 01 January 2012. These were given in effect in Gibraltar by the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006.

2. Hours of work and rest

The Gibraltar Merchant Shipping (Seafarers' Hours of Work and Medical Examination) Regulations, 2003, the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 and the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 contain provisions relating to hours of work and rest.

Regulation 15 of the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 contains a provision for exceptions from the minimum hours of rest provisions to be authorised by the GMA. Such exceptions should be supported by a collective bargaining agreement or workforce agreement.

The Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006, which give effect to the STCW Regulation VIII/1 and Code A-VIII/1, place additional conditions on the types of exception that can be authorised.

Given that both the MLC and STCW are in force in Gibraltar, the GMA will only consider exceptions which comply with the requirements of the MLC (i.e. that they are subject to a workforce or collective agreement) and which comply with the limitations of the STCW Code, Section A-VIII/1 – set out below.

a) STCW amendments: revised conditions for exceptions

Authorised exceptions shall, as far as possible, follow the standard minimum hours of rest, 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 with short voyages.

1. Weekly rest, Where an exception is approved:

- a) Seafarers must receive a minimum of 70 hours rest in any 7-day period;
- b) Exceptions from the normal weekly rest period (77 hours) shall not be allowed for more than two consecutive weeks;
- c) The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.

2. Daily rest, Where an exception is approved:

- a) the 10 hours of rest required in any 24 hours period may be divided into no 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 one hour in length;
- b) the intervals between consecutive periods of rest shall not exceed 14 hours;
- c) Exceptions shall not extend beyond two 24-hour periods in any 7-day period.
- d) Exceptions shall, as far as possible, take into account the guidance regarding prevention of fatigue in section B-VIII/1.

b) Overriding operational conditions

A provision in A-VIII/1.4 states that the minimum rest periods need not be maintained in the case of an emergency or in other overriding operational conditions.

B-VIII/1 includes the following guidance on “Prevention of fatigue”:

1. In observing the rest period requirements, “overriding operational conditions” should be construed to mean only essential shipboard work which cannot be delayed for safety, security or environmental reasons or which could not reasonably have been anticipated at the commencement of the voyage.

The GMA interprets this to mean that a planned passage under pilotage or the additional work due to cargo operations during a scheduled port call – unless bad weather or unexpected port delays disrupt normal schedules to an unforeseen extent – cannot be considered to be “overriding operational conditions” which would justify a breach of minimum hours of rest.

3. Guidance on Fatigue

The GMA wishes to bring to the attention of owners, operators, managers and all personnel working on board Gibraltar seagoing and domestic vessels about their duties under applicable national and international legislation in relation to fatigue.

UK MCA MGN 505 Human Element Guidance - Part 1 Fatigue and Fitness For Duty: Statutory Duties, Causes Of Fatigue And Guidance On Good Practice provides some practical information and guidance on dealing with fatigue and other factors leading to impaired fitness for duty.

The GMA recommends owners/operators/managers of Gibraltar registered vessel to take into account the information and guidance contained within MGN 505, as amended (with the exception to UK legislation, whereby for Gibraltar Ships the relevant Gibraltar legislation referred to earlier applies) to which includes information on issues such as the following:

- a) Factors leading to fatigue and impaired fitness for duty;
- b) Policies and practices which can reduce the cause and impact of fatigue and other performance impairing factors;
- c) Development and use of fatigue management plans to improve the identification, management and reduction of fatigue and other performance impairing factors;
- d) Checklists to help identify fatigue and stress and take preventative actions, and;
- e) Useful sources of additional information about fatigue and fatigue management.

UK MCA MGN 505, as amended, should be read with *UK MCA MGN 520 Human Element Guidance - PART 2 The Deadly Dozen - 12 Significant People Factors in Maritime Safety*. The later MGN raises awareness of twelve of the most common people related factors which can affect maritime safety, along with suggested mitigating actions available to companies, masters and seafarers.

Dylan Cocklan
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