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关于《1978 年海员培训、发证和值班标准国际公约（STCW 公约）马尼拉修正案》的实施—转发新加坡海事主管机关 2011 年第 18 期海事通函

新加坡海事主管机关于 2011 年 11 月 8 日向船东、船舶管理人、新加坡旗船舶的船长、MPA 和其他航运机构签发的适任证书的持有人下发了 2011 年第 18 期海事通函，就国际海事组织关于修订《海员培训、发证和值班标准国际公约》缔约国外交大会通过的《1978 年海员培训、发证和值班标准国际公约》附则的修正案和《海员培训、发证和值班规则》的修正案的主要要求向有关各方予以通告。我社审核员在对新旗船舶进行相关检查和审核工作中应遵照执行。

1. 2010 年 6 月 21 到 25 号在马尼拉举办的 STCW 公约缔约国外交大会上，通过了对 STCW 公约和 STCW 规则的重大修订。这些修订条款（被称为“马尼拉修正案”）的目的旨在提高海员的职业化标准并加强航海安全、保安和海洋环境保护。这些修订条款对适任标准进行了更新，以适应科技的日益发展，介绍了新的培训和发证要求及方法，改善船旗国和港口国主管机关对公约条款的实施机制，同时明确了关于海员休息时间、防止吸毒和酗酒以及海员医疗的适用标准。

2. 本通函对马尼拉修正案中的关键性要求进行了强调，以协助航运界应对即将到来的变更。经修订的 STCW 公约（2011）版本中包含的马尼拉修正案，已经被 IMO 出版，可以在海事书店中买到。

实施马尼拉修正案和过渡条款

3. STCW 公约马尼拉修正案已于 2012 年 1 月 1 日正式开始生效。所有在 2013 年或之后开始培训的海员，必须要遵守马尼拉修正案的要求。对于现在持有根据 STCW 公约 1995 年修正案的规定签发的适任证书（COC）和其它证书的海员来说，在 2016 年 12 月 31 号之前，都不需要符合马尼拉修正案的要求。

4. 在现行法规下签发的新加坡适任证书（如 STCW 公约 1995 年修订案）在 2016 年 12 月 31 日前继续有效。此类证书只有在持有人满足马尼拉修正案的要求时，其有效期才可以延长至 2017 年 1 月 1 号之后。能使根据 1995 年修正案签发的适任证书持有人符合 STCW 马尼拉修正案的附加培训细节，将另行发布航运通函。

5. 马尼拉修正案规则 I/15 中的过渡规定仅适用于附加培训或和海员发证相关的事项。该公约的其它要求已于 2012 年 1 月 1 日起开始实施。

医疗标准

6. 修正案对海员医疗规定进行了修订。海员的体检证书将根据修订的 STCW 规则的 A-I/9 中的条款和第 B-I/9 节中的指南进行签发，证书有效期为两年，如果海员不满 18 周岁则证书有效期为一年。如果在航行途中体检证书到期，那么直到船舶到达下一处挂靠港口之前，体检证书仍然有效。根据过渡条款的规定，依照现行法规或 1995 年修正案向海员签发的体检证书，在证书上的到期日之前将一直有效，或从签发之日起 5 年内有效，但有效期的截至日期不得超过 2016 年 12 月 31 号。

工作和休息时间

7. 被指派负责航行值班或机舱值班的高级船员，或涉及航行值班或机舱值班的普通船员，或是职责中包含有指定的安全、防止污染和保安内容的海员，应享有以下所述的休息时间：

- a. 任何 24 小时内至少休息 10 小时；
 - b. 任何 7 天内休息 77 小时；以及
 - c. 休息时间可最多分为两段，其中一段至少 6 小时，且相连的两段休息时间的间隔不得超过 14 小时。
 - d. 不得超过连续两周将任何 7 天内休息时间降至 70 小时。
8. 船长应该在易于到达的地点上张贴一份船上工作安排表（比如，在海上和港口的每日工作/休息时间安排），以方便海员查看。安排表应使用船上的工作语言和英语进行表述。应正确记载海员的每日休息时间记录，船长或船长指定的高级船员也应对记录进行验证。经船长或经船长授权的人员正式签注的海员休息时间和安排记录，可由海员进行查阅。建议公司在制订海员船上工作安排和值班计划以及休息时间表时使用标准格式，以表明遵守了 STCW 要求。建议公司在制订职责安排表和休息时间记录时使用 IMO/ILO 指南，这些记录（可能被计算机化）在船上应保存至少两年，以便于能够根据第 A-VIII/1 节的条款进行符合性监控和审查。公司应将制订值班安排和记录日常休息时间的程序写入船上的安全管理体系中。这些要求将在 2012 年 1 月 1 日起开始执行。

防止酗酒

9. 履行指定的安全、保安和海洋环境职责的船长、高级船员和其他海员，在从事驾驶室或机舱值班时，其血液中的酒精浓度（BAC）不得高于 0.05%或呼吸中的酒精浓度不得高于 0.25mg/l。公司应根据船舶安全管理体系建立防止船上酗酒和滥用毒品的程序。

在海员培训方面的重大变化

10. 马尼拉修正案对普通船员和高级海员的培训要求进行了修订，并介绍了新的高级船员和普通船员发证体系。下面章节提供了对海员培训做出的重大变化的详情。MPA 和经认可的培训提供商一起对培训要求进行了更新，详细情况即将发布。

安全和保安培训

11. 基础安全培训得到了加强，包括防止海洋环境污染的预防措施、有效沟通和人际关系等方面。每位海员每隔五年提供进行了进修培训的证据以维持适任能力。此类经认可的进修培训的细节即将发布。。

12. 要求所有海员根据 STCW 规则第 A-VI/6 节中第 1 到 4 款的要求，接受和保安相关的熟悉培训和保安意识培训。履行指定保安职责的海员也要满足 STCW 规则第 A-VI/6 节第 6 到 8 段要求的适任能力要求。海员应持有适当的培训合格证书（CoP）证明其已完成培训。在 2014 年 1 月 1 日之前，马尼拉修正案的过渡条款承认之前向海员签发与保安相关的培训和证明文件。

对甲板部高级船员和普通船员的培训

13. 对详述甲板部高级船员的最低适任标准进行认证的表格做出了改动，包含了新的主题，如电子海图显示和信息系统（ECDIS）的操作、领导力、团队合作和管理技巧。同时介绍了普通船员的新级别一甲板部高级水手，以及详细规定了普通船员被认证为甲板高级水手的最低适任标准的表格。

对轮机部高级船员和普通船员的培训

14. 介绍了轮机部高级船员新的培训体系，以及对详述轮机部高级船员最低适任标准的表格做出了改动，包含进了新的主题，例如领导力、团队合作技巧和管理技巧。同时介绍了普通船员和高级船员的新级别，以及相对应的详细规定了轮机部高级机工、电子员和电子技工最低适任标准的表格。

为在油轮上工作而进行的特殊培训

15. 对在石油、化学品和液化气体运输船上的船长、高级船员和普通船员的培训和资格最低要求进行了大规模的修订。要求甲板部高级船员或轮机员 COC 证书的持有人每隔五年，要证明自己有在油轮上工作的持续的适任能力。经修订的相关要求的详情会在不久的将来进行发布。在 2016 年 12 月 31 日之前，MPA 将继续认可根据 STCW 公约 1995 年修正案签发的 CoP 证书和液货船签注证书。

公司责任

16. 公司责任得到了强化，以包括下列内容。公司必须确保：

- a. 指派到其船上的海员均接受了 STCW 公约要求的进修和更新培训；
- b. 船上海员的人数足够他们同时履行与保安相关的职责；以及
- c. 在任何时候都须按照 SOLAS 第 V 章第 14 条的规定，进行有效的口头沟通。

17. 表格 B-1/2 中包括了公约相关规定所要求的，以及需要船旗国进行签注的证书和文件证明的列表。公司应注意证书和书面证明的命名，应按照马尼拉修正案的要求，在内容和标题上进行相应更改。

在法律方面的改动

18. 商船法（培训、发证和配员）已于 2012 年 1 月 1 日起实施修订，并落实生效于 STCW 公约马尼拉修正案。在此敦促航运界开始初步实施本修正案。

19. 关于本通函的问询应发至 Capt I G Sangameswar (电话号码: 6375 6205) 或 Mr Zulfiqur Husain (电话号码: 6375 6218)。

附件: 1. *Singapore Shipping Circular No. 18 of 2011, total 23 pages*

2. *IMO/ILO 对制订海员船上工作安排表和海员工作和休息时间记录表的指南的中文译本*

中文翻译如有歧义，以新加坡海事主管机关海事通告及IMO/ILO指南原文为主。本通函在实施过程中如有任何疑问，请与总部：认证处 联系。

制订海员工作安排表及工作/休息时间记录表的指南

目的

1. 本准则旨在协助主管机关，依照 1996 年海员工作时间与船舶配员公约（第 180 号）（以下简称第 180 号公约）的要求，制订海员工作安排表以及工作/休息时间记录表。本准则同时也考虑到经修正的《1978 年海员培训、发证及值班标准国际公约》（以下简称 STCW 公约）中有关海员休息时间的规定。

背景

2. 第 180 号公约，是国际劳工大会（日内瓦，1996）第 84 届（海事）会议首次通过推出的全面化的国际规定。旨在设定海员最长工作时间或最低休息时间的范围，以减少疲劳，维持安全的船舶营运。公约包括以下部分：范围和定义（第一部分）；海员的工作时间和休息时间（第二部分）；船舶配员（第三部分）；船东和船长的责任（第四部分）和适用情况（第五部分）。第 180 号公约的案文已列入附录 1，请于使用本指南前阅读。

3. 第 180 号公约第 5 条规定了最长工作间或最短休息时间。第 5 条第 7 款规定：缔约国应要求在易于获得地点张贴船上工作安排表。该表应包括每一职位的作息时间表，至少（a）应包括在海上及停靠港口的工作起止时间；（b）船旗国法律、法规或现行集体协议所规定的最长工作时间或最短休息时间。

国际劳工组织第 180 号公约中，“主管机关”是指就海员工作时间、休息以及船舶配员等事项，有权颁布具有法律效力的法规、法令或其他具有法律效力指令的部长、政府部门或其他机构。

第八款进一步规定：

表格应依照标准格式以工作语言或该船所使用语言及英文编制。

4. 第八条第一款规定：

缔约国应要求制作关于海员每日工作时间或每日休息时间的记录表，用以查核第五条所作规定的遵守情况。海员应收存一份经船长（或其授权人）及该海员本人签字的个人记录的副本。

第二款进一步规定：

主管机关应参考 ILO 颁布的有关建立记录标准格式的相关规定，自行拟订该项纪录的格式或采用该组织拟订的标准格式。该格式应使用第五条第八款所规定的语言。

5. 通过第 180 号公约后，海事大会还通过了一项针对使用公约的决议。它要求国际劳工局要针对大会委员会和之后的讨论所涉及的文本及提议，优先制订第五条和第八条所述的准则和标准格式。它还建议，一个由劳工组织召开的三方专家小组应协助参与该次实践。同时在决议中宣布，第 180 号公约中的条款，目的不在于使其成员国，同时也是 STCW 公约的缔约方，使用相较于 STCW 公约中海员值班条款中更对海员不利的条款和采用与 STCW 公约不一致的最低休息时间。

6. STCW 公约第 VIII/1 条款规定，为了防止疲劳，主管机关应对值班人员建立和执行休息时间。此外，要求值班制度所安排值班人员的工作效率不应该受到疲劳的影响，职责的安排应保证所有值班人员能够得到充分的休息，不会过度疲劳，以维持高效率的工作状态。这样在航行开始时第一批值班人员和之后的换班人员都能够获得充分的休息，以便其能够恰当地履行值班的职责。

7. STCW 公约 A 部分中的一些章节设定了最短的休息间隔和值班的频率，同时也要求值班安排应张贴在易接近的地方。鉴于规则 VIII/1 中包含防疲劳因素的内容，STCW 公约 B 部分制订了对法规 VIII/1 中条款的使用指南，该指南包括了在防止疲劳方面需要考虑的因素，其中参考了第 A.772（18）号决议（疲劳因素在人员配备和安全方面的影响）的附件的规定。在本准则的附录 2 中提供了该法规及公约 A 部分及 B 部分的文本。

8. 为响应上述引用的 ILO 决议第五条款的内容，在符合国际劳工组织第 267 届会议（1996 年 11 月）和国际海事组织海上安全委员会第 68 届会议（1997 年 5 月）决议的基础上，国际海事组织/国际劳工组织联合工作组，在 1998 年 1 月 19-23 日于伦敦会面，讨论制定第 180 号公约要求的，有关船上海员工作安排表及工作/休息时间记录表的指南。联合工作组制订的这些准则，除了主要针对 ILO 第 180 号公约之外，同时也可以协助主管机关执行 STCW 公约中值班员休息时间的要求。

9. 这些导则主要侧重于制订海员工作安排表及工作/休息时间记录表的要求。当主管机关履行第 180 号公约的义务设立这些表格和模板时，应考虑指南要求。请特别注意第 9 条和第 10 条的规定，其中设定了主管机关对工作时间/休息时间记录的核查及签字的责任，同时设定了当这些记录或证据表明要求被违反时，所要采取的行动。

制订工作安排表的指南

10. 工作安排表旨在记录特定船只上，所有海员每日预先安排的工作和休息时间。该表格可以使海员对在港及船上，每天及每周的日常工作安排有清楚的认知。同时也可以用来确保船上的工作安排符合第180公约的要求。

11. 然而，由于海上工作的性质，船上的工作安排表只能对特定船舶上，预期的正常工作安排有指导作用，因此该表的内容上可能会存在有偏差。因此，应该强调指出，这种偏差并不一定表明不符合第180号公约的要求；这只会需要在需要制订小时级别的工作或休息时间的详细记录时才会出现（参见第16-24段）。

12. 第180公约要求船上工作安排表需要以“标准化格式”建立，这样也便于海员和主管机关理解。该表格应该包括：

- 包括每一个受雇海员在船上及港口的预期工作安排；
- 有关值班和其它任何可预期的额外工作；
- 包括船旗国法律、法规或集体协议规定的最长工作时间或最短休息时间；
- 对每一位船员提供全面计划性的工作/休息时间的图表；
- 以及，用工作语言(或该船使用的语言)及英文编制。

13. 很多，如果不是大多数的情况下，主管机关制订的标准化模板的表格，供公司运营该船旗国的船舶使用。准则后附录3的格式模板，可以满足第180公约及STCW公约的要求，同时也可以满足任何的特定国家要求。

14. 主管机关也可以在符合第180公约要求的前提下，制订出批准表格替代格式的规定，这样也更适合特定船舶的运营情况。

15. 建议主管机关在制定标准格式或其他格式时，应与船东和海员组织协商。

建立海员工作时间/休息时间纪录表模板的指南

16. 第180公约第8、9、10、13及15条款，关于制订海员工作时间/休息时间纪录表的指南中，提出了具体要求，包括对海员工作时间/休息时间记录表的维护和监测，以及对公约条款的要求。STCW公约B-III/1部分，第4段，也建议主管机关要求对工作/休息记录表进行维护。

第180公约的要求包括：

- 每一位海员的日常工作或休息记录表应被维护，以便于按规定进行监管；
- 海员应得到一份由船长或船长授权人员以及海员本人签字认可的有关其本人记录的副本。
- 主管机关应确定保存船上记录的程序，包括记录信息的时间间隔；
- 主管机关建立海员工作/休息时间表模板时，应参考ILO规则中或该组织制订的任何标准格式。
- 记录表的模板应该用工作语言(或该船使用的语言)及英文编制；
- 凡与第180号公约有关的国家法律及集体协议均应制作一份副本，存放于船上便于船员查阅的地点；

- 主管机关在适当期间间隔，对记录进行检查及签注，以确保有效执行以及有相应的检查服务和调查投诉。
- 为履行本公约规定的义务，船东对船长应予以各种需要的资源；
- 船长应采取必要步骤满足海员工作/休息时间的要求；
- 如果记录或其他证据显示有违反关于海员工作与休息时间规定的情况时，主管机关应要求采取措施(包括视需要调整船员配员)，以避免将来再次发生违反情况。

17. 对时间纪录表的维护的主要目的在于检查与条款的旅行情况以及当船上的工作安排表，而粘贴在船上的工作安排表，在大多数情况下，恰好可以提供明确的依据来判断遵守情况。 工作时间/休息时间记录表旨在确认国家法律、法规或经授权或注册的集体协议（见第180公约第5（6）条）规定的适用条款被遵守。

18. 第 180 公约第 3 条规定，在第 5 条的限制下，确定在一段特定的时间内不得超过的最长工作小时数，或是在一段特定时间内应提供的最短休息小时数。

19. 第 5 条（1）中限制了工作或休息时间，要求最大工作时长不应超过在任何 24 小时期间内 14 小时和在任何 7 天之期间内 72 小时，或者最低休息时数不得少于在任何 24 小时之期间内 10 小时和在任何 7 天之期间内 77 小时。第 5 条（2）规定，休息时间最多可分为两段，其中一段至少要有 6 小时，且相连的两段休息时间的间隔不得超过 14 小时。第 5 条（6）规定了可能出现的例外情况。

20. 虽然大致相同，STCW公约关于值班员休息时间的规定也应予以考虑。 STCW公约第1部分VIII/1条，适于值班，第一段规定，为所有负责值班的高级海员或参与值班的普通海员提供的休息时间须不少于任何24小时内最少10小时，以及在第二段中，休息时间可以分为至多不超过2个时间段，其中一个时间段须至少为6小时。第三和第四段规定了例外情况。在B-VIII/1部分就适于值班及防止疲劳做了进一步规定。

21. 制订的任何标准化格式均应可使主管机关及船长查询记录是否符合第五条的规定或相关的国家要求。

22. 当主管机关为特定船舶（如第14段描述）制订船上工作安排表时，如果符合特定条件，记录工作或休息时间的简化程序可能会被使用。工作和休息时间表模板应包括：（a）对于不低于30天的期间内，每24小时中的每一小时进行规划（见附件4）；（b）要求海员和船长或由船长授权的人，至少每周一次对表格签名，验证日常记录，以便准确地反映实际工作或休息时间；及（c）要求对偏离进行描述并解释。在使用任何简化程序时，应提前咨询海员及船东组织；

23. 在制订工作时间/休息时间记录表的模板时，主管机关应考虑如下情况：

- 应尽量简化并避免任何不必要细节；
- 识别不合格情况；
- 每一个海员的表格，完成时须由海员本人、船长或其他指定高级船员共同签注，并交一副本给该海员；

- 主管机关要求在适当间隔内对记录进行检查及签注，监督履行；
- 用工作语言(或该船使用的语言)及英文编制；
- 主管机关应明确信息的记录间隔以及维护和检查记录的程序。

24. 为协助主管机关制订记录格式，附件4是一个满足第180公约及STCW公约要求的模板，同时也可以对该模板进行修改以满足国家的要求。

附件1

1996年第180号公约：海员工作时间与船舶人力配置公约，

第一章：范围及定义

第一条

1. 本公约适用于经在任何本公约对其生效的成员国土登记，并通常从事商业性运营的每一公有或私有远洋船舶。鉴于本公约的目的，在两个成员国土登记的船舶，则被视为在其船旗国登记。
2. 在视为可行的限度内，主管机关在于渔船船东和渔民的代表机构协商后，可将本公约适用范围扩大商业性海上渔业。
3. 鉴于本公约的目的，如果关于某一船舶是否为远洋船舶、或从事商业运营或商业捕捞有疑义时，应由主管机关与相关的船东组织、海员组织及渔民组织咨询后裁定。
4. 本公约不适用于单桅帆船、平底帆船等传统建造の木船。

第二条

公约的目的

- (a) “主管机关”，指就海员的工作时间、休息、以及船员配置等事项，有权颁发具有法律效力的规章或命令的部长、政府部门或其他机关；
- (b) “工作时间”，指要求某一海员在某一船舶的工作期间；
- (c) “休息时间”，指工作时间以外的时间，但不包括短暂停工的休息时间；
- (d) “海员”指国家法律、法规或集体协议界定为海员而受雇或以其他任何身分在本公约适用的航海船舶上工作的任何人员；
- (e) “船东”指船舶的所有人或其授权负责该船舶运作并同意接受所有相应职责的个人（如经营人或光船承租人）或组织。

第二章 海员的工作时间和休息时间

第三条

在第五条所规定的限制范围内，应规定在某一期间内不得超过的最高工作时数，或在某一规定的期间内必须给予的最低休息时数。

第四条

批准公约的成员应基于每日工作八小时、每周休息一日及公共假日休息的原则确认海员的正常工作时间标准；但该规定不妨碍成员批准或登记集体协议基于更多便利设定海员正常工作时间。

第五条

1. 对工作时间及休息时间应限制如下：

(a) 最高工作时数不得超过:

(i) 在任何二十四小时期间内十四小时; 及

(ii) 在任何七天之期间内七十二小时。

或者

(b) 最低休息实属不得少于:

(i) 在任何二十四小时之期间内十小时; 及

(ii) 在任何 7 天期间内 77 小时。

2. 休息时间最多可以分为两次, 其中一次的长度不应低于六小时, 而两次休息间隔不得超过十四小时。

3. 集合、消防及救生演习, 以及国家法律法规与国际公约所规定的其他演习, 举行时应尽量减少对休息时间的干扰并避免导致疲劳。

4. 如果因为机舱无人值守等情况使海员临时当班, 干扰其正常休息时间, 则海员应被另外给予适当的补偿休息时间。

5. 如果没有集体协议或仲裁书, 或是主管机关认为协议或仲裁书中关于第三款或第四款的规定不恰当, 主管机关应另做规定, 确保海员享有足够的休息。

6. 第一款及第二款的规定不应妨碍成员国制定国家法律、法规或程序, 使主管机关批准或登记集体协议, 免除所设定的限制。该免除应尽可能遵照设定的标准, 可以考虑更为频繁的较长的假期或对值班海员或在航程较短的船舶上工作的海员给予补偿假期。

7. 成员国应要求在方便地点张贴一张船上工作安排表, 该表应包括每一职位的作息时间表, 至少应包括:

(a) 在海上及停靠港口的工作时间表; 及

(b) 该船旗国法律、法规或现行集体协议所规定的最高工作时间或最低休息时间。

8. 第 7 款中规定的表格, 应依照标准格式以工作语言(或该船使用的语言)及英文编制。

第六条

未满十八岁的海员不得在夜间工作。鉴于本条的目的, “夜间”, 指自午夜至上午五时在内, 至少九小时的连续期间。本条如果对按照既定方案及时间表, 对十六岁至十八岁海员进行有效训练有妨碍时, 此项规定无须实施。

第七条

1. 本公约不妨碍船长行使其权力, 要求某一海员以船舶、船上人员或船上货物的立即安全为目的, 或安排进行救助海上遇难的其他船舶或人员所需要的工作时, 不受时数限制。

2. 依照第一款的规定, 船长可以暂停实施工作和休息时间表而要求某一海员担任所需不限时的工作, 直至情况恢复正常为止。

3. 一旦情况回复正常, 船长应对在原定休息时间从事工作的海员给予适当时间的休息。

第八条

1. 成员国应要求制作海员每日工作时间或每日休息时间的记录表，并能据此核查第五条所作规定的遵守情况。海员应收存一份经船长(或其授权人员)及该海员本人批注的关于自己的记录副本。
2. 主管机关应规定船上保存此项记录于船上的程序，包括信息的记录周期。主管机关应参考国际劳工组织发布的有关指南，自行拟订记录海员工作时间和休息时间的表格格式或采用该组织拟定的标准格式。该格式应使用第五条第八款规定的语言。
3. 凡与本公约有关的国家法律及集体协议均应制作一份副本，存放于船上便于船员查阅的地点。

第九条

主管机关应于适当的周期进行稽查，并在第八条所规定的记录上批注，以便核查按照本公约所作有关海员工作与休息时间各项规定的实施情形。

第十条

如果记录或其他证据显示有违反关于海员工作与休息时间规定的情况时，主管机关应要求采取措施(包括视需要调整船员配置)，以避免将来再次发生违反情况。

第三章 船员配置

第十一条

1. 凡适用本公约的船舶，应足够、安全及有效的配置船员人数，同时依照最低的安全船员配置或主管机关所颁布的类似文件配置人数。
2. 适任主管机关决定、批准或修订船员配置标准时应计及下述各项：
 - (a) 尽量避免或减少过长工作时间的需要，以控制疲劳并确保船员有足够的休息时间。
 - (b) 序言中所列举的各国际公约及议决案中的相关规定。

第十二条

未满十六周岁的人员不得在船上工作。

第四章 船东及船长的责任

第十三条

为履行本公约规定的义务，船东对船长应予以各种需要的资源，包括配置适当的船员。船长应采取一切必要步骤，遵守公约中有关海员工作时间及休息时间的规定。

第五章 实施

第十四条

批准本公约的成员国应负责制定法律法规实施本公约的各项规定，但已由集体协议、仲裁书或法院裁决的除外。

第十五条

成员国应：

- (a) 采取一切必要措施，包括适当的制裁与纠正措施，以确保本公约各项规定的有效实施。
- (b) 设置适当的检查机构监督本公约所采取各项措施的实施；并予以为达此目的所需之必要资源；
- (c) 与船东团体及海员团体协商后，制订调查处理有关本公约所涉任何事项申诉案件的程序。

附录 2

1978STCW 公约，1995 年修订案的相关要求

第 VIII/1 条

适于值班

为防止疲劳，各主管机关应：

- .1 建立并执行值班人员的休息时间制度；以及
- .2 要求值班制度的安排能使所有值班人员的效率不致因疲劳而削弱，并且班次的组织能使航次开始的第一个班次及其后各班次人员均已充分休息，或者用其它办法使其适于值班。

A 部分第 VIII/1 条

适于值班

1. 对所有负责值班的高级海员或参与值班的普通海员提供的休息时间应不少于任何24小时内最少10小时。
2. 休息时间可以分为至多不超过2个时间段，其中一个时间段须至少为6小时。
3. 在紧急或在其他超常工作情况下不必保持第 2 款和第 3 款规定的关于休息时间的要求。
4. 尽管第 1 和第 2 款的规定，最短休息时间可以由 10 个小时缩短至不低于 6 个小时，但这样的减少不能超过 2 天，而且每 7 天不能低于 70 个小时的休息时间。
5. 主管机关应要求值班安排粘贴于易获得的区域。

B 部分第 VIII/1 条

适于值班制度的指南

防止疲劳

1. 在休息时间的规定中，“越权处置的操作性条件”被解释为因安全因素或环境因素或航程开始前无法合理预测的原因造成船上必要的工作无法延迟。
2. 尽管目前尚未有普遍接受的对疲劳的技术性定义，参与船舶运营的人员也应警惕包括但不局限于认可组织已确定的可能造成疲劳的因素，并在做出船舶运营决定时予以考虑。
3. 在使用 VIII/1 条款时，也应考虑下述内容：
 - . 防止疲劳的条款应确保不采用过多或不合理的整体工作时间。特别是在 A-VIII/1 部分规定的最低休息时间不应被认为除此外的其它时间均应值班或从事其它职位。
 - . 休假的频率和长度以及给予补偿性休假均为一段时间后防止疲劳的有效手段；
- 2 以及

. 短期航次中，条款可加以变动以确保特殊的保安计划得以实施。

3

4. 主管机关应考虑针对海员工作/休息时间记录表的维护要求予以介绍，同时记录需要主管机关在适当时间间隔后进行核查，以确保遵守有关工作或休息时间的规定。

5. 鉴于对海难事故的调查，主管机关应审阅己方对防治疲劳的相关规定。

参见 IMO 决议 A. 772 (18)，船舶配员及安全方面的疲劳因素，第 2-4. 4. 1

B E 海员工作安排表表样

船名_____船旗国:_____国际海事组织登记号（如有）: __表格最近更新日期_____第（ ）页,共（ ）页:

最高工作时间或最低休息时间可以遵循_____（国家法律和法规），该法律法规的颁发要和国际劳工组织 1996 年 180 号决议中的的海员工作时间以及船舶人员配备公约相一致， 1996（No. 180），还可遵循任何遵照本公约以及 1978 年修正的国际海员培训，发证和值班规则公约规定通过许可和登记过的适用的集体协议。

最高工作时间或最低休息时间: -----

其他要求: _____

职位/职衔	海上日常工作安排时间		港口日常工作安排时间		评论	日常工作/休息总时长	
	值班 (从 - 到)	无值班任 务 (从 - 到)	值班 (从 - 到)	无值班任 务 (从 - 到)		在海上	在港口

船长签名

¹ 模板中的条款使用工作语言 (或该船使用的语言) 及英文编制

² 自国际劳工组织 180 公约和 STCW 公约中节选的内容，请参阅背页。

³ 不适用项可删去。

⁴ 在船舶安全配员文件也列出的职位/职级，所使用的术语与文件中的相同。

⁵ 对于值班人员的评论部分可用来列出对不定期工作的预期花费时间，任何此类小时的计算应包括在日常工作总小时内。

国际劳工组织 180 公约和 STCW 公约中的节选内容

IL0 Convention 180 ILO 第 180 公约

第 5 条第 1 段 工作或休息时间应作如下限制： 最长工作时间不应超过： 每 24 小时内的 14 个小时；以及 (ii) 每 7 天内的 72 个小时；或者 (b) 休息时间不得低于： (i) 每 24 小时内的 10 个小时；以及 (ii) 每 7 天内的 77 个小时。

第 5 条第 2 段 休息时间最多可分为两段，其中一段至少要有 6 小时，且相连的两段休息时间的间隔不得超过 14 小时。

第 5 条第 6 段 第 1 和 2 段的规定不得妨碍成员国制订国家法律或条例或主管机关批准或注册允许超出规定限制的例外情况的集体协议的程序。此类例外应尽可能遵循本标准的规定，但可考虑给予值班海员或在短途航行船舶上工作的海员更经常或更长时间的休假或准予补休。

第 7 条第 1 段 尽管有海员休息条款的规定，但船长依旧有权要求海员从事确保船舶、船上人员或货物安全的工作，或为在海上遇险的其它船舶或人员提供救援。

第 7 条第 3 段 在情况恢复正常后，船长应合理地安排，向在休息期间工作的海员提供足够的休息时间

STCW 公约

STCW 公约 A-VIII/1 (强制性)

1. 被指定负责值班或部分值班任务的职务船员应被提供每 24 小时不低于 10 小时的休息时间。
2. 休息时间可分为两个 (2 个) 阶段，每阶段至少休息六个 (6 个) 小时
3. 在紧急状况、演戏或其它重要操作情况下可以不采用第 1 及 2 段规定的休息时间要求。
4. 尽管第 1 及 2 段的规定，10 个小时的休息时间可以缩减为不低于 6 个小时的连贯时间，但休息时间的缩减不可以超过 2 天同时每 7 天不可低于 70 小时。
5. 值班日程安排和船上工作安排应张贴在船上醒目的位置。

STCW 公约 B-VIII/1 部分 (指导性)

在使用 VIII/1 部分法规时，应考虑以下事项：

- . 1 防止疲劳条款应确保不存在过度或不合理的工作总时间。 尤其是 A-VIII/1 部分规定的最低休息时间不意味除最低休息时间外的其它时间应从事值班或其它岗位。
- . 2 休假的频率和长度以及给予补偿性休假均为一段时间后防止疲劳的有效手段；以及
- . 3 短期航次中，条款可加以变动以确保特殊的保安计划得以实施。

附录 4

B E

海员工作/休息时间记录表

船名 _____ 国际海事组织登记号（如有）： _____ 海员（全名） _____

年和月： _____

工作/休息时间记录

适当的用 X 或是持续的线或箭头标记出来。

在背面完成表格

船舶在管理限制工作时间或最低休息时间上应用的以下国家法律，法规和/或集体协议：-----

我承认该记录表准确的反映相关海员的工作或休息时间。

船长或船长授权人的姓名 _____

船长或被授权人签名处 _____ 海员签名处 _____

应向海员提供一份本记录的副本。 此模板考核及批注的设立程序是基于： _____
（主管机关的名称） _____

- 1 此模板使用的工作语言为该船使用的语言及英文编制。
- 2 对正确选项打勾。
- 3 如需要，可删除。



**MARITIME AND PORT AUTHORITY OF
SINGAPORE
SHIPPING CIRCULAR TO SHIPOWNERS
NO. 18 OF 2011**

MPA Shipping Division
460 Alexandra Road
21st Storey PSA Building
Singapore 119963
Fax: 6375-6231
<http://www.mpa.gov.sg>

8 November 2011

Applicable to: This circular should be brought to the attention of shipowners, shipmanagers, masters of Singapore ships, holders of certificates of competency issued by MPA and the general shipping community.

**IMPLEMENTATION OF THE MANILA AMENDMENTS TO THE
INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978
(STCW CONVENTION)**

1 The Diplomatic Conference of Parties to the STCW Convention, held in Manila, Philippines, from 21–25 June 2010, adopted significant amendments to the STCW Convention and STCW Code. The aim of these amendments (known as the “Manila amendments”) is to raise standards of professionalism of seafarers and to enhance navigational safety, security and protection of marine environment. These amendments update the standards of competence to accommodate emerging technologies, introduce new training and certification requirements and methodologies, improve mechanisms for the enforcement of provisions of the Convention by flag State and port state administrations and specify the requirements on hours of rest, prevention of drug and alcohol abuse and medical fitness standards for seafarers.

2 This circular highlights key requirements of the Manila amendments to assist the shipping community to prepare for the impending changes. The revised (2011) edition of the STCW Convention including the Manila amendments has been published by IMO and is available from maritime book shops.

Implementation of the Manila amendments and Transitional Provisions

3 The Manila amendments to the STCW Convention will come into force on **1 Jan 2012**. All seafarers commencing training on or after **1 July 2013** must comply with the requirements of the Manila amendments. Existing seafarers, holding certificates of competency (COC) and other certificates

issued in accordance with the provisions of the 1995 amendments of the STCW Convention, have until **31 Dec 2016** to meet the requirements of the Manila Amendments.

4 Singapore COCs issued under the current regulations (i.e. 1995 amendments to STCW Convention) will be revalidated until **31 Dec 2016**. Such certificates will only be extended beyond 1 Jan 2017 upon the holder meeting the requirements of the Manila amendments. Details of additional training to enable holders of COC issued under the 1995 amendments to comply with Manila amendments to STCW will be promulgated separately as a shipping circular in due course.

5 Transitional provisions under Regulation I/15 of the Manila amendments only apply to additional training or issues relating to the certification of seafarers. Other requirements of the Convention shall be implemented by **1 Jan 2012**.

Medical Standards

6 Medical requirements for seafarers have been revised in the amendments. Medical certificates to seafarers are to be issued in accordance with provisions of section A-I/9 and guidelines in B-I/9 of the revised STCW Code and shall be valid for 2 years, or 1 year in the case of a seafarer under the age of 18 years. If the period of validity of a medical certificate expires in the course of a voyage, the medical certificate shall remain valid until the next port of call. Under the transitional provisions, medical certificates issued to seafarers under the current regulations or 1995 STCW amendments will remain valid until the date of expiry stated in the certificate or for a maximum period of 5 years from the date of issue, but not beyond **31 Dec 2016**.

Hours of Work and Rest

7 All persons assigned duty as an officer in charge of a navigational or engine room watch, or a rating forming part of a navigational or engine room watch, or any seafarer whose duties involve designated safety, prevention of pollution and security duties have to be provided with rest periods as follows:

- a. A minimum of 10 hours rest in any 24 hour period;
- b. 77 hours rest in any 7 day period; and
- c. 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 intervals between consecutive periods of rest shall not exceed 14 hours.
- d. Reduction of rest hours to 70 hours in any 7-day period is allowed for not more than two consecutive weeks.

8 Masters shall post a table of shipboard working arrangements (i.e. information on scheduled daily hours of work/rest at sea and in port) in an easily accessible location in the working language(s) of the ship and in English, for the benefit of all crew members. Records of seafarers' daily rest hours shall be properly recorded and be duly authenticated by the master or

an officer designated by the master. A copy of the records of rest hours and schedules pertaining to seafarers, duly endorsed by the master or a person authorised by the master, shall be made available to the seafarer. Companies are recommended to use a standard format for preparing tables of seafarers' shipboard working arrangements and watch schedules and record of rest hours to show compliance with STCW requirements. Companies are advised to use the IMO/ILO Guidelines¹ in preparing the duty schedules and rest hours records and these records (which may be computerised) shall be retained on board for at least 2 years to enable monitoring and verification of compliance in accordance with the provisions of Section A-VIII/1. Companies should incorporate the procedures for preparing the watch schedules and recording of daily hours of rest in the ship's safety management system. These should be implemented by **1 Jan 2012**.

Prevention of Alcohol Abuse

9 Masters, officers and other seafarers, while performing bridge or engine room watch, designated safety, security and prevention of pollution duties should not consume alcohol that would result in a limit greater than 0.05% blood alcohol level (BAC) or 0.25 mg/l alcohol in the breath. Companies should establish procedures under the ship's safety management system to prevent alcohol and drug abuse on board.

Salient Changes to Seafarer Training

10 The Manila amendments have amended training requirements for ratings and officers and introduced new certification regimes for officers and ratings. The following paragraphs provide details of key changes to the training of seafarers. MPA is working with approved training providers to upgrade training requirements and details will be promulgated in due course.

Safety and Security Training

11 Basic safety training has been enhanced to include modules on precautions to prevent pollution of the marine environment, effective communications and human relationships on board the ship. Each seafarer is required at 5-yearly intervals to provide evidence of having undergone refresher training to maintain standards of competence. Details of such approved refresher training will be promulgated in due course.

12 All seafarers are required to receive security related familiarization and security awareness training in accordance with section A-VI/6 paragraphs 1-4 of the STCW Code. Seafarers with designated security duties shall also meet the competences specified in section A-VI/6 paragraphs 6 to 8 of the STCW Code. Seafarers shall have appropriate certificate of proficiency (CoP) attesting completion of training. Transitional provisions of the Manila amendments permit recognition of security related training and documentation issued to seafarers until **1 Jan 2014**².

¹ IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers Hours of Work and Rest.

² IMO's circular STCW.7/Circ.16 dated 24 May 2011 'Clarifications of transitional provisions relating to the Manila amendments to STCW Convention and Code.'

Training for Deck Officers and Ratings

13 Changes to the tables specifying the minimum standard of competence for certification of deck officers have been made to include new topics such as operation of Electronic Chart Display and Information System (ECDIS), leadership, team-working skills and managerial skills. New grade of ratings known as Able-seafarer deck and a table specifying the minimum standards of competence for a rating to be certified as an Able-seafarer Deck³ have been introduced.

Training for Marine Engineer Officers and Ratings

14 Introduction of new training scheme for marine engineer officers and changes to the tables specifying the minimum standards of competence for marine engineer officers have been made to include new topics such as leadership and team-working skills, and managerial skills. New grades of ratings and officer and corresponding tables specifying the minimum standards of competence for Able-seafarer Engine, Electro-technical rating and Electro-technical officer have been introduced.

Specialised Training for working onboard Tankers

15 Minimum requirements for the training and qualifications of masters, officers and ratings on oil, chemical and liquefied gas tankers have been revised extensively. Holders of COC as deck officers or marine engineers are required to establish continued professional competence for working onboard tankers at 5-yearly intervals. Details of courses for the revised requirements will be promulgated in due course. MPA will continue to recognise CoP and tanker endorsements issued under the 1995 amendments to STCW Convention until **31 Dec 2016**.

Responsibilities of Companies

16 The responsibilities of companies have been enhanced to include the following. Companies must ensure that:

- a. seafarers assigned to its ships have received refresher and updating training as required by the STCW Convention;
- b. ship's crew are sufficient to also perform security-related duties; and
- c. there is effective oral communication at all times on board its ships, in accordance with the provisions of SOLAS Chapter V regulation 14.

17 Table B-I/2 contains a list of certificates and documentary evidence required under the relevant provisions of the Convention and those which require flag state endorsement. Companies are to take note that the

³ Requirements of ILO's Certification of Able Seaman Convention 1946 have been transferred to the amended STCW Convention and competence requirements updated.

nomenclature of certificates and documentary evidence under the Manila amendments has been changed in respect of content and title.

Changes to Legislation

18 The Merchant Shipping (Training, Certification and Manning) Regulations would be amended by **1 Jan 2012** to give effect to the Manila amendments to the STCW Convention. The shipping community is urged to take steps for early implementation of the amendments.

19 Any queries regarding this circular should be addressed to Capt I G Sangameswar (tel no. 6375 6205) or Mr Zulfiqur Husain (tel no. 6375 6218).

CHEONG KENG SOON
DIRECTOR OF MARINE
MARITIME AND PORT AUTHORITY OF SINGAPORE

Annex: IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers Hours of Work and Rest

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Cor/int/11/Shipping Circular 18/2011 Manila Amendments

Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest

Purpose

1 These Guidelines are intended to assist competent authorities* to develop tables of shipboard working arrangements and records of seafarers' hours of work or hours of rest as required by the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No.180) (hereinafter referred to as Convention No.180). They also take into account the provisions on establishment of rest periods for watchkeeping personnel contained in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (hereinafter referred to as the STCW Convention).

Background

2 Convention No. 180, which was adopted by the 84th (Maritime) session of the International Labour Conference (Geneva, 1996), introduced for the first time comprehensive international provisions to establish limits on seafarers' maximum working hours or minimum rest periods so as to maintain safe ship operations and minimize fatigue. The Convention includes parts on Scope and Definitions (part I), Seafarers' Hours of Work and Hours of Rest (part II), Manning of Ships (part III), Responsibilities of Shipowners and Masters (part IV) and Application (part V). The substantive text of Convention No. 180, which has been included at appendix 1, should be read prior to using these Guidelines.

3 Article 5 of Convention No. 180 lays down, *inter alia*, the requirements concerning maximum hours of work or minimum hours of rest. According to article 5, paragraph 7:

The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least (a) the schedule of service at sea and service in port, and (b) the maximum hours of work or the minimum hours of rest required by the laws, regulations and collective agreements in force in the flag State.

* ILO Convention No. 180 provides that the term *competent authority* means the minister, the governmental department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' hours of work or rest or the manning of ships.

Paragraph 8 further provides that:

The table referred to shall be established in a standardized format in the working language or languages of the ship and in English.

4 According to article 8, paragraph 1:

The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in Article 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer.

Paragraph 2 further provides:

The competent authority shall establish the format of the records taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided by Article 5, paragraph 8.

5 Following the adoption of Convention No.180, the Maritime Conference also adopted a resolution on the application of the Convention in which it requested the International Labour Office, as a matter of priority, to develop the guidelines and standardized format referred to in articles 5 and 8, taking into account the texts and proposals made by the Conference Committee and the discussions thereon. It also recommended that a tripartite group of experts be convened by ILO to assist in this exercise. It also adopted a resolution which declared that nothing in Convention No. 180 was intended to enable Members ratifying the Convention which are also Parties to the STCW Convention to apply provisions to watchkeeping seafarers less favourable than those contained in the STCW Convention and are inconsistent with the minimum rest periods in that Convention.

6 The STCW Convention requires in regulation VIII/1 that Administrations shall, for the purposes of preventing fatigue, establish and enforce rest periods for watchkeeping personnel. In addition, the regulation requires that watch systems are arranged such that the efficiency of watchkeeping personnel is not impaired by fatigue and that duties are organized so that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and fit for duty.

7 The related section of part A of the Seafarers' Training, Certification and Watchkeeping Code (STCW Code) sets minimum periods and frequency of rest and also requires that watch schedules be posted where they are easily accessible. Part B of the STCW Code provides guidance on the application of the provisions of regulation VIII/1, which includes the factors to be taken into account in the prevention of fatigue, including reference to the annex to resolution A.772(18), Fatigue factors in manning and safety. The texts of the regulation and of part A and part B of the Code are provided at appendix 2.

8 In response to the ILO resolutions cited above in paragraph 5, and in keeping with decisions taken by the 267th session (November 1996) of ILO's Governing Body and of the 68th session (May 1997) of IMO's Maritime Safety Committee, a Joint IMO/ILO Working Group met in London from 19 to 23 January 1998 to consider, *inter alia*, the development of the guidelines and standardized table showing shipboard working arrangements and a standard format for records of seafarers' hours of work or hours of rest as required by Convention No. 180. The Joint Working Group produced these Guidelines which, while referring principally to ILO Convention No.180, also may assist competent authorities to enforce the rest period requirements for watchkeepers in the STCW Convention.

9 These Guidelines focus primarily on the requirements for the development of a table showing shipboard working arrangements and a format for the records of seafarers' hours of work or rest. When competent authorities develop these tables and formats, in fulfilment of their Convention No. 180 obligation, they shall take the Guidelines into account. Special attention is also drawn to the provisions of articles 9 and 10, which set forth the role of the competent authority in the examination and endorsement of records of hours of work or hours of rest, and the action to be taken when these records or other evidence indicate infringements of the requirements.

Guidance on the development of a table of shipboard working arrangements

10 The table of shipboard working arrangements is intended to tabulate the anticipated daily work or rest periods scheduled for all seafarers on board a particular ship. The table will allow seafarers to be aware of the routine daily or weekly work periods normally expected of them at sea and in port. It may be subject to control to ensure that the shipboard working arrangements are in conformity with the requirements of Convention No. 180.

11 However, given the nature of work at sea, the table of shipboard working arrangements can only be a guide to the anticipated normal working arrangements on a particular ship and some deviation from the contents of the table may occur. It should be stressed, therefore, that such deviations may not necessarily indicate non-compliance with the requirements of Convention No. 180; this will only be established by reference to detailed records of hours worked or periods of rest which also need to be maintained (see paragraphs 16–24).

12 Convention No. 180 requires that the table of shipboard working arrangements is to be established “in a standardized format”, and this will facilitate understanding by seafarers and competent authorities. The table should:

- cover the anticipated schedule of service at sea and in port for each seafarer employed on board;

- refer to watchkeeping duties as well as any additional work which is expected;
- contain the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State;
- provide a total scheduled work-rest-hour figure for each seafarer; and
- be written in the working language or languages of the ship and in English.

13 In the case of many, if not most, ship operations it will be possible for a competent authority to produce a standard format for such a table for completion by companies operating ships flying its flag. The model format attached at appendix 3 to these Guidelines would satisfy the requirements of Convention No. 180 and the STCW Convention and could be adapted as necessary to meet any specific national requirements.

14 The competent authority may also make provision for the approval of alternative formats which, while satisfying the requirements of Convention No. 180, would be more appropriate in the circumstances of specific ship operations.

15 It is recommended that, when developing a standard format or alternative formats, the competent authority should consult with ship-owners' and seafarers' organizations.

Guidance for the development of formats of the records of seafarers's hours of work or their hours of rest

16 Articles 8, 9, 10, 13 and 15 of Convention No. 180 set forth specific requirements covering the maintenance and monitoring of records of seafarers' hours of work or rest and the covering the monitoring of compliance with the provisions of the Convention. The STCW Convention, in paragraph 4 of section B-VIII/1 of the STCW Code, also recommends that competent authorities require that records of hours of work or rest should be maintained.

These Convention No. 180 requirements include:

- records of each seafarers' daily hours of work or rest shall be maintained to allow monitoring of the provisions;
- the seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer;
- the competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded;
- the competent authority shall establish the format of the records of seafarers' hours of work or their hours of rest taking into account any available ILO guidelines or shall use any standard format prepared by the Organization;

- the format of the record shall be maintained in the working language or languages of the ship and in English;
- a copy of the relevant provisions of the national legislation pertaining to Convention No. 180 and the relevant collective agreements shall be kept on board and be easily accessible to the crew;
- the competent authority shall examine and endorse the records at appropriate intervals, ensure effective enforcement, have appropriate inspection services and investigate complaints;
- the shipowner shall provide the master with the necessary resources to ensure that the requirements arising from Convention No. 180 are complied with;
- the master shall take all necessary steps to ensure that the applicable requirements on seafarers' hours of work and rest are complied with; and
- if the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringements.

17 The principal purpose of maintaining records of hours is to monitor compliance with the provisions and, while the table of shipboard working arrangements which is posted on board will in many cases provide a clear basis for a presumption of compliance, the record of hours of work or hours of rest is intended to provide confirmation that the applicable provisions of national laws, regulations, or authorized or registered collective agreements (as provided for in article 5(6) of Convention No. 180) have been adhered to.

18 Article 3 of Convention No. 180 provides that, within the limits set out in article 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded within a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

19 Article 5(1) sets out the limits on hours of work or rest, providing either that maximum hours of work shall not exceed 14 hours in any 24-hour period and 72 hours in any 7-day period; or that minimum hours of rest shall not be less than 10 hours in any 24-hour period and 77 hours in any 7-day period. Article 5(2) provides that 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 shall not exceed 14 hours. Article 5(6) provides for possible exceptions to these limits.

20 While broadly comparable, the STCW Convention provisions dealing with rest periods for watchkeepers should also be taken into account. The STCW Code, section A-VIII/1, Fitness for duty, provides, in paragraph 1, that all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided with a minimum of 10 hours rest in any 24-hour period, and, in paragraph 2, that the hours of rest

may be divided into no more than two periods, one of which shall be at least 6 hours in length. Paragraphs 3 and 4 provide for limited exceptions. Further guidance is provided in section B-VIII/1, Guidance regarding fitness for duty, Prevention of fatigue.

21 Any standardized formats developed should permit competent authorities and masters to determine from these records whether the provisions of article 5, or applicable national requirements, have been complied with.

22 When the competent authority establishes a table of shipboard working arrangements for specific ship operations (as provided in paragraph 14), a simplified procedure for recording hours of work or hours of rest may be used, provided certain conditions are met. The format for recording hours of work or hours of rest should: (a) account for each hour in a 24-hour period over at least a 30-day period (see appendix 4); (b) require both the seafarer and the master, or someone authorized by the master, to sign the form, on at least a weekly basis, to verify that the daily record accurately reflects actual work or rest periods; and (c) require that deviations are described and explained. Seafarer and shipowner organizations should be consulted before any such simplified process is put in place.

23 In establishing formats for recording hours of work or rest, the competent authority should therefore take into account the following:

- the formats should be as simple to complete as possible and should avoid any unnecessary detail;
- the formats should allow any non-conformities to be identified;
- forms should be completed in respect of each seafarer, signed by the seafarer, the master or other designated officer, and a copy given to the seafarer;
- the competent authority is required to examine and endorse the records at appropriate intervals to monitor compliance;
- the format should be in the working language or languages of the ship and in English; and
- the competent authority should specify the intervals at which the information is to be recorded and establish other procedures for the maintenance and inspection of the records.

24 In order to assist competent authorities to develop such a record form, a model is attached at appendix 4 to these Guidelines which would satisfy the relevant requirements of Convention No. 180 and the STCW Convention, and which may be adapted to meet national requirements.

APPENDIX 1

Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

PART I SCOPE AND DEFINITIONS

Article 1

1 This Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of any Member for which the Convention is in force and is ordinarily engaged in commercial maritime operations. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies.

2 To the extent it deems practicable, after consulting the representative organizations of fishing-vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3 In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations or commercial maritime fishing for the purpose of the Convention, the question shall be determined by the competent authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

4 This Convention does not apply to wooden vessels of traditional build such as dhows and junks.

Article 2

For the purpose of this Convention:

- (a) the term “competent authority” means the minister, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' hours of work or rest or the manning of ships;
- (b) the term “hours of work” means time during which a seafarer is required to do work on account of the ship;
- (c) the term “hours of rest” means time outside hours of work; this term does not include short breaks;
- (d) the term “seafarer” means any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Convention applies;

- (e) the term “shipowner” means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

PART II SEAFARERS’ HOURS OF WORK AND HOURS OF REST

Article 3

Within the limits set out in article 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

Article 4

A Member which ratifies this Convention acknowledges that the normal working hours’ standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers’ normal working hours on a basis no less favourable than this standard.

Article 5

1 The limits on hours of work or rest shall be as follows:

- (a) maximum hours of work shall not exceed:
 - (i) 14 hours in any 24-hour period; and
 - (ii) 72 hours in any 7-day period;

or

- (b) minimum hours of rest shall not be less than:
 - (i) 10 hours in any 24-hour period; and
 - (ii) 77 hours in any 7-day period.

2 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 Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

4 In respect of situations when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

5 If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraphs 3 or 4 are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

6 Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

7 The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State.

8 The table referred to in paragraph 7 shall be established in a standardized format in the working language or languages of the ship and in English.

Article 6

No seafarer under 18 years of age shall work at night. For the purpose of this article, “night” means a period of at least nine consecutive hours, including the interval from midnight to five a.m. This provision need not be applied when the effective training of young seafarers between the ages of 16 and 18 in accordance with established programmes and schedules would be impaired.

Article 7

1 Nothing in this Convention shall be deemed to impair the right of the master of a ship to 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.

2 In accordance with paragraph 1, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

3 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.

Article 8

1 The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in article 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer.

2 The competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded. The competent authority shall establish the format of the records of the seafarers' hours of work or of their hours of rest taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided by article 5, paragraph 8.

3 A copy of the relevant provisions of the national legislation pertaining to this Convention and the relevant collective agreements shall be kept on board and be easily accessible to the crew.

Article 9

The competent authority shall examine and endorse the records referred to in article 8, at appropriate intervals, to monitor compliance with the provisions governing hours of work or hours of rest that give effect to this Convention.

Article 10

If the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringements.

PART III MANNING OF SHIPS

Article 11

1 Every ship to which this Convention applies shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issued by the competent authority.

2 When determining, approving or revising manning levels, the competent authority shall take into account:

- (a) the need to avoid or minimize, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue; and
- (b) the international instruments identified in the Preamble.

Article 12

No person under 16 years of age shall work on a ship.

PART IV RESPONSIBILITIES OF SHIPOWNERS AND MASTERS

Article 13

The shipowner shall ensure that the master is provided with the necessary resources for the purpose of compliance with obligations under this Convention, including those relating to the appropriate manning of the ship. The master shall take all necessary steps to ensure that the requirements on seafarers' hours of work and rest arising from this Convention are complied with.

PART V APPLICATION

Article 14

A Member which ratifies this Convention shall be responsible for the application of its provisions by means of laws or regulations, except where effect is given by collective agreements, arbitration awards or court decisions.

Article 15

The Member shall:

- (a) take all necessary measures, including the provision of appropriate sanctions and corrective measures, to ensure the effective enforcement of the provisions of this Convention;
- (b) have appropriate inspection services to supervise the application of the measures taken in pursuance of this Convention and provide them with the necessary resources for this purpose; and
- (c) after consulting shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Convention.

APPENDIX 2

Relevant requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995, and of the STCW Code

Regulation VIII/1

Fitness for duty

Each Administration shall, for the purpose of preventing fatigue:

- .1 establish and enforce rest periods for watchkeeping personnel; and
- .2 require that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Section A-VIII/1

Fitness for duty

- 1** All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours rest in any 24-hour period.
- 2** The hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length.
- 3** The requirements for rest periods laid down in paragraphs 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
- 4** Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of 10 hours may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond 2 days and not less than 70 hours of rest are provided each 7-day period.
- 5** Administrations shall require that watch schedules be posted where they are easily accessible.

Section B-VIII/1

Guidance regarding fitness for duty

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 or environmental reasons or which could not reasonably have been anticipated at the commencement of the voyage.

2 Although there is no universally accepted technical definition of fatigue, everyone involved in ship operations should be alert to the factors which can contribute to fatigue, including, but not limited to those identified by the Organization,* and take them into account when making decisions on ship operations.

3 In applying regulation VIII/1, the following should be taken into account:

- .1 provisions made to prevent fatigue should ensure that excessive or unreasonable overall working hours are not undertaken. In particular, the minimum rest periods specified in section A-VIII/1 should not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties;
- .2 that the frequency and length of leave periods, and the granting of compensatory leave, are material factors in preventing fatigue from building up over a period of time; and
- .3 the provisions may be varied for ships on short-sea voyages, provided special safety arrangements are put in place.

4 Administrations should consider the introduction of a requirement that records of hours of work or rest of seafarers should be maintained and that such records are inspected by the Administration at appropriate intervals to ensure compliance with regulations concerning working hours or rest periods.

5 Based on information received as a result of investigating maritime casualties, Administrations should keep their provisions on prevention of fatigue under review.

* See IMO resolution A.772(18), Fatigue factors in manning and safety, paragraphs 2 to 4.4.1.

APPENDIX 3



Model format for a table of shipboard working arrangements¹

Name of ship: _____ Flag of ship: _____ IMO number (if any): _____ Latest update of table: _____ () of () pages

The maximum hours of work or minimum hours of rest are applicable in accordance with: _____ (national law or regulation) issued in conformity with ILO's Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), and with any applicable collective agreement registered or authorized in accordance with that Convention and with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention).²

Maximum hours of work or minimum hours of rest:³ _____

Other requirements: _____

Position/Rank ⁴	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work/rest ³ hours	
	Watchkeeping (from – to)	Non- watchkeeping duties (from – to) ⁵	Watchkeeping (from – to)	Non- watchkeeping duties (from – to) ⁵		At sea	In port

Signature of master _____

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² See overleaf for selected extracts from ILO Convention 180 and the STCW Convention.

³ Delete as applicable.

⁴ For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.

⁵ For watchkeeping personnel, the comments section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column.

Selected texts from ILO Convention 180 and the STCW Convention

ILO Convention 180

- Art. 5 paragraph 1 The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any 7-day period; or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period; and (ii) 77 hours in any 7-day period.
- Art. 5 paragraph 2 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.
- Art. 5 paragraph 6 Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.
- Art. 7 paragraph 1 Nothing in this Convention shall be deemed to impair the right of the master of a ship to 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.
- Art. 7 paragraph 3 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.

STCW Convention

Section A-VIII/1 of the STCW Code (mandatory)

1. All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provided a minimum of 10 hours rest in any 24-hour period.
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.
3. The requirements for rest periods laid down in paragraph 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
4. Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of 10 hours may be reduced to not less than 6 consecutive hours provided that any such reduction shall not extend beyond 2 days and not less than 70 hours of rest are provided each 7-day period.
5. Administrations shall require that watch schedules be posted where they are easily accessible.

Section B-VIII/1 of the STCW Code (guidance)

3. In applying regulation VIII/1, the following should be taken into account:
 - .1 provisions made to prevent fatigue should ensure that excessive or unreasonable overall working hours are not undertaken. In particular, the minimum rest periods specified in section A-VIII/1 should not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties;
 - .2 that the frequency and length of leave periods, and the granting of compensatory leave, are material factors in preventing fatigue from building up over a period of time; and
 - .3 the provisions may be varied for ships on short-sea voyages, provided special safety arrangements are put in place.

APPENDIX 4



Model format for record of hours of work or hours of rest of seafarers¹

Name of ship: _____ IMO number (if any): _____ Flag of ship: _____
Seafarer (full name): _____ Position / rank: _____
Month and year: _____ Watchkeeper:² yes ☐ no ☐

Page 1 of 2

Record of hours of work/rest³

Please mark periods of work or rest, as applicable, with an X, or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship:

I agree that this record is an accurate reflection of the hours of work or rest of the seafarer concerned.

Name of master or person authorized by master to sign this record _____

Signature of master or authorized person _____ Signature of seafarer _____

A copy of this record is to be given to the seafarer. This form is subject to examination and endorsement under procedures established by _____
(name of competent authority)

¹ The terms used in this model table are to appear in the working language or languages of the ship and in English.

² Check ✓ as appropriate.

³ Delete as appropriate.

² Additional calculations or verifications may be necessary to ensure compliance with the relevant requirements of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (Convention No. 180) and the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended (STCW Convention).