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AD HOC INTERSESSIONAL MEETING OF
THE STW WORKING GROUP RELATING
TO THE COMPREHENSIVE REVIEW OF
THE STCW CONVENTION AND CODE

1st session
Agenda item 7

STW/ISWG 1/7/8
8 August 2008
ENGLISH ONLY

REVIEW OF CHAPTER VIII OF THE STCW CONVENTION AND CODE

Review of regulation VIII/1

Submitted by the International Transport Workers' Federation (ITF)

SUMMARY

<i>Executive summary:</i>	ITF proposes to remove the so called 2-day derogation, i.e. A-VIII/1.4 from the requirements of A-VIII/1.1 and 1.2 which promotes the unacceptable situation whereby seafarers could be requested to work up to 18 hours on two consecutive days with only six hours' rest in between
<i>Strategic direction:</i>	5
<i>High-level action:</i>	5.2
<i>Planned output:</i>	5.2.2.1
<i>Action to be taken:</i>	Paragraph 8
<i>Related document:</i>	STW 39/12

General

1 The Sub-Committee on Standards of Training and Watchkeeping, at its thirty-ninth session, agreed to convene an intersessional working group to further address a comprehensive review of the STCW Convention and Code. Outcomes of STW 39 were forwarded to the intersessional working group, including a proposed revision of regulation VIII/1. This revision was primarily a harmonization of the STCW Convention and Code provisions of hours of work and rest with the International Labour Convention ILO 180.

2 In the report the Sub-Committee noted that the group was unable to agree on a single text in the time available as there was considerable debate on whether certain aspects of the STCW Convention could be completely harmonized with those of ILO 180 and to what extent harmonization was required or preferred (STW 39/12, paragraph 7.257).

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3 The ITF and IFSMA raised concerns about the proposal to retain the so-called 2-day derogation, i.e. A-VIII/1.4 from the requirements of A-VIII/I.1 and 1.2 since in their opinion this promoted the unacceptable situation whereby seafarers could be requested to work up to 18 hours on two consecutive days with only six hours' rest in between. It was noted this did not contribute to safety and it was agreed that the matter should be brought forward to the intersessional meeting (STW 39/12, paragraph 7.258).

Consideration

4 This practice is particularly prevalent on small coastal vessels with minimum crew and has been identified as a major cause of fatigue and accidents. In studies in 2006 by the United Kingdom's MCA and the ITF, the practice of extended hours generally above 6 hours showed a significant fall in reaction time and this decreases exponentially after 12 hours. This was clearly upheld by the Swedish study on shipping "Fatigue at Sea" released in 2007.

5 Unfortunately, our research shows that working hours of 14 hours per day, in certain vessels, has become normal practice for watchkeepers and too many operations are set up based on the minimum hours of rest. The problem is compounded where the record of hours of work and rest required under ILO 180 are not correctly logged.

6 The ITF believes that along with a requirement for a mandatory record of hours of work and rest within the STCW Convention and Code, the removal of the current standard A-VIII/1.4 would be a most significant initiative to reduce the problems of fatigue. It may be necessary to insert a provision as contained in the ILO Convention that clearly defines 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.

7 The ITF proposed amendments to the standards regarding watchkeeping in section A-VIII/1 is set out in the annex.

Action requested of the Group

8 The Group is invited to take into consideration the above concerns and the amendments contained in the annex, when reviewing chapter VIII of the STCW Convention and Code.

ANNEX

PROPOSED AMENDED SECTION A-VIII/1 OF CHAPTER VIII OF
THE STCW CODE

Chapter VIII

Standards regarding watchkeeping

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, and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a minimum of 10 hours of rest in any 24-hour period rest period of not less than:

- .1 minimum of 10 hours of rest in any 24-hour period; and
- .2 77 hours in any seven-day 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, and the intervals between consecutive periods of rest shall not exceed 14 hours.

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 Nothing in this Standard 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. The master should, however, ensure that any seafarers who have performed such work in a scheduled rest period are provided with an adequate period of rest and not less than 77 hours of rest are provided each seven-day period.

5 Administrations shall require that watch schedules, in the working language or languages of the ship and in English, be posted where they are easily accessible.

6 Administrations shall require that records of daily hours of rest of seafarers be maintained, in the working language or languages of the ship and in English, to allow monitoring of compliance with provisions of this section.