



AD HOC INTERSESSIONAL MEETING OF
THE STW WORKING GROUP RELATING
TO THE COMPREHENSIVE REVIEW OF
THE STCW CONVENTION AND CODE
2nd session
Agenda item 8

STW/ISWG 2/8/2
7 August 2009
ENGLISH ONLY

REVIEW OF CHAPTER VIII OF THE STCW CONVENTION AND CODE

Consideration of proposed amendments of section A-VIII/1

Submitted by the International Transport Workers Federation (ITF)

SUMMARY

Executive summary:	This document is in response to STW/ISWG 2/8 submitted by the ISF and ICS in which they highlight the ship-owners' need for flexibility in the minimum seafarers hours of rest "without compromising safety"
Strategic direction:	5
High-level action:	5.2
Planned output:	5.2.2.1
Action to be taken:	Paragraph 11
Related documents:	STW 38/17; STW/ISWG 1/7/5, STW/ISWG 1/7/7; STW 40/14, STW 40/14/Add.1; MSC 81/23/3, MSC 81/23/19, MSC 81/23/23; MSC 84/22/22; STW 38/13/7/Rev.1, STW 38/13/2, STW 38/12/7; STW 40/7/57; MEPC 53/INF.7 and STW/ISWG 2/8

Introduction

1 The Sub-Committee on Standards of Training and Watchkeeping at its fortieth session (2-6 February 2009), considered draft amendments to chapter VIII of the STCW Convention and Code relating to fitness for duty of seafarers and agreed with the removal of the derogation clause to minimum hours of rest limits contained in paragraph 4, of what is currently section A-VIII/1 of the STCW Code.

2 The Sub-Committee proposed other amendments to harmonize the rest hour provisions in section A-VIII/1 of the STCW Convention with the requirements of ILO Convention No. 180 (ILO 180) and the ILO Maritime Labour Convention, 2006 (MLC, 2006), expected to enter into force in 2011 including a direct reference to other International Conventions in proposed paragraph 9.

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General

3 The ISF and ICS in their document STW/ISWG 2/8 appear to have ignored a number of crucial factors in their pursuit of more flexibility and have failed to take on board much of the debate at previous meetings of the Maritime Safety Committee and the Sub-Committee on Standards of Training and Watchkeeping that have identified fatigue as a major contributory factor in accidents, particularly on short sea voyages. These factors are:

- .1 The ability of watchkeeping seafarers to operate in excess of the 14 hours per day currently provided for is the foremost reason why the industry has a problem with fatigue and subsequent accidents.
- .2 The ILO Conventions primarily deal with social conditions and the primary safety convention for watch-keepers remains the STCW Convention. The current paragraph 9 introduces a concept previously rejected by all IMO Committees, which is the inclusion of a non-IMO Convention within the regulations or standards of the requirement.
- .3 At the time of the adoption of ILO 180, the ILO also adopted the resolution that made it clear that nothing in the (ILO) Convention should apply provisions less favourable than those contained in the revised STCW Convention. "Less favourable" we interpret to be to the welfare of the seafarer not the ship owner.

4 Contrary to the statement in paragraph 4 of their paper, in 1995, IMO adopted a requirement for a minimum period of 10 hours rest in any 24-hour period (in line with ILO 180) but with an extra provision that the 10 hours could be reduced to not less than six consecutive hours and this was introduced as paragraph 2, section A-VIII/1 of the STCW Code in order to set a minimum rest period for watchkeeping personnel. We do not however agree that the introduction of the paragraph 4 clause was intended to complement the ILO MLC, 2006 Standard A.2.3 paragraph 13 or should we endeavour to copy this very broad exclusion of the basic minimum rest period to any other safety provisions. In our opinion, safety cannot be contracted out.

The link between hours of work, and fatigue and accidents

5 There have been numerous papers and studies that identify fatigue as a major contributing factor in accidents and many organizations such as P&I insurance or administrations such as the UK Marine Accident Investigation Branch (MAIB) have identified a succession of accidents that are fatigue-related (see annex). In MSC 84/22/22, MAIB identified that of the 65 collisions, groundings and near misses, one third involved a fatigued officer alone on the bridge. In a Swedish Maritime Administration (SMA) study, MEPC 53/INF.7, out of 32 reported collisions and groundings between 1997-2002, 84% occurred between 2300-0800 hrs and the majority were fatigue-related. MAIB have also identified that there is a particularly high incidence of fatigue and subsequent accidents in the two-watch system, and more specifically on short sea voyages.

6 In a study initiated by the ITF, STW 38/13/2, it was identified that "there is an exponentially increasing accident risk beyond the 9th hour at work which doubles after the 12th hour and trebles after the 14th hour". When we consider an airline pilot is restricted to a maximum of 100 hours per month and we are talking about finding flexibilities around four times those limits i.e. 98 hours per week, it is difficult to understand. At the same time, in the United Kingdom doctors are being limited to a 48-hour week by the European Union directive on safety grounds.

7 The proposed paragraph 8 of section A VIII/1 clearly provides for exemptions in emergencies or drills but the ITF believe the proposal in paragraph 6 of STW/ISWG 2/8 would make the hours of rest provisions unenforceable. The nine provisions listed may cover most contingencies outside normal watchkeeping and must be factored in to the normal operation and manning of the vessel. They, in no way, warrant special derogation as short-term peaks as on most vessels they are normal operational considerations.

8 The ITF strongly disagrees that the present rest hour regime is sufficient to protect seafarers against fatigue and would argue that the only way to ensure the application of the STCW requirements is to restrict the flexibilities on what are already minimal hours of rest provisions for watchkeepers.

9 The reference to another non-IMO Convention in the proposed paragraph 9, we believe, is totally contrary to IMO policy and the ITF is not aware of any other examples in IMO Conventions. As the ILO MLC, 2006 will be subject to tacit amendments it means that the STCW Convention can be and possibly will be amended through an external convention or any other agreements or contracts that may be made at a national level. We believe this is a dangerous precedence and will not only apply to the reduction of hours of rest from 77 hours to 70 hours but any other provision including the minimum six hours rest period.

Conclusion

10 The ITF believes there is proven reason why we should not retain section A-VIII paragraph 4 as it is the source of the worst problems of fatigue and subsequent accidents that have been encountered in the industry in recent years. There should be sufficient flexibility within the 14 hours' work provided for in paragraph 9; however, the reference to exemptions under another convention is inappropriate and should be removed.

Action requested of the group

11 The group is invited to take the information provided above into consideration when considering the proposed amendments of section A-VIII/1.

ANNEX

**SUMMARY OF MAIB PUBLISHED REPORTS OF FULL INVESTIGATIONS INTO
MERCHANT SHIP ACCIDENTS INVOLVING FATIGUE (1998-2009)**

Title (vessel name)	Accident date	Report reference	Summary notes
Antari	29/06/08	7/2009	General cargo vessel Grounding of a general cargo vessel near Larne, Northern Ireland (OOW fell asleep)
Annabella	26/02/07	21/2007	Collapse of container stack (vessel was on an intensive trade and inspection of records found that crew were not able to achieve proper hours of rest)
Neermoor	27/04/06	31/2006	Portable bulkhead fell and crushed a crewman. No hours of rest records kept. Actual hours worked would have led to fatigue
Berit	05/01/06	17/2006	Hatchless container ship grounded when the OOW was "distracted" (possibly fell asleep)
Kathrin	12/02/06	24/2006	Grounding, OOW fell asleep
Lerrix	10/10/05	14/2006	General Cargo Grounding (Master fell asleep)
Likes Voyager/Washington Senator	08/02/05	4/2006	Collision between two container ships. (Master of Lykes Voyager was fatigued)
Jackie Moon	1/09/04	5/2005	Grounded (OOW fell asleep)
Orade	01/03/04	23/2005	General cargo vessel Collision with the Apex Beacon (Master was fatigued)
Hyundai Dominion/Sky Hope	21/06/04	17/2005	Collision between two container vessels. Neither OOW claimed to be fatigued, but both had worked in excess hours
Hoo Finch/Front Viewer	25/02/04	10/2004	Collision. OOW of HOO Finch was fatigued
Jambo	29/06/03	27/2003	General cargo ship Grounding (chief officer fell asleep)
Royal Princess	04/08/01	34/2002	Engineer officer injured in a watertight door, fatigue was a factor

Title (vessel name)	Accident date	Report reference	Summary notes
Hoo Robin/Arklow Marsh	02/03/99	08/2000	Collision, fatigue was a factor
Coastal Bay	21/7/00	08/2001	Grounding (chief officer fell asleep)
Dole America	07/11/99	32/2000	Reefer vessel collided with Nab tower (master fatigued)
Pentland	07/12/98	n/a	General cargo ship ran aground (Master fell asleep)