



**Seafarers' Trust**

We Put Seafarers First

# Exploration of the implementation of the current framework on rest hours – preliminary results

MLC Meeting, EMSA

Lisbon 18 to 20 February 2020



## developments and entry into force

**STCW 78 as amended 2010**

Section A-VIII/1 on fitness for duty

EIF Jan.**2012**

**Since EIF of C180, seafarers record their hours  
to demonstrate compliance**

**MLC, 2006**

Reg.2.3 Hours of work and hours of rest

EIF Aug.**2013**

Changes in seafarers' health 2011-2016:  
A summary report

Sampson, H., Ellis, N., Acejo, A., Turgo, N.

"[...] 'fatigue score' we found that the **mean score for 2016 was significantly greater than for 2011** (3.74 in 2016 and 3.08 in 2011) [...]

The percentage who suggested it was due to **working hours increased in 2016 to 32%** (up from 28% in 2011[...]. " (Sampson et al., 2017)

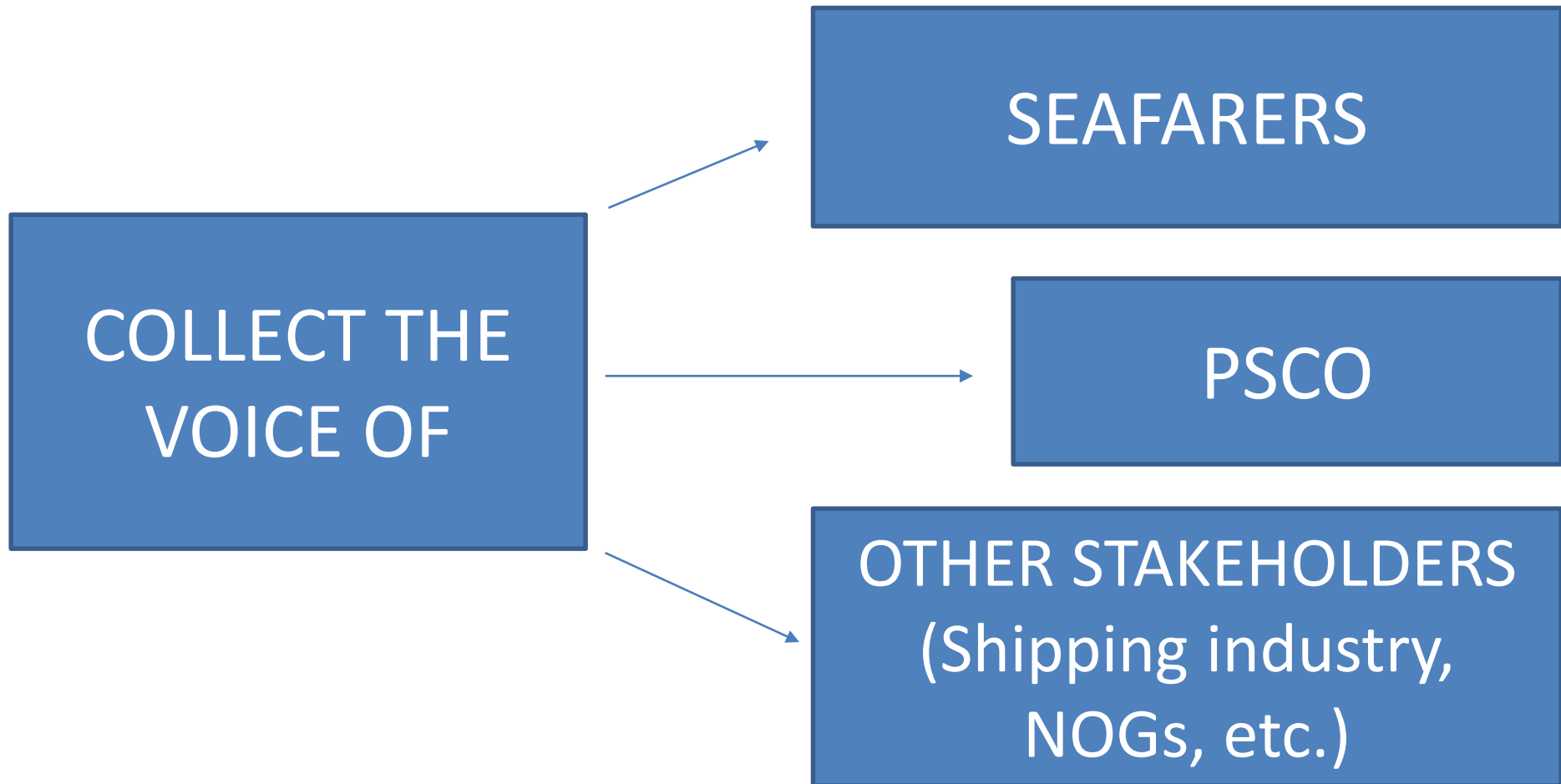
Fatigue in shipping widely demonstrated by research despite entry into force of two set of rules



# EXPLORATION OF RECORDKEEPING AND MONITORING



# Sociological investigation

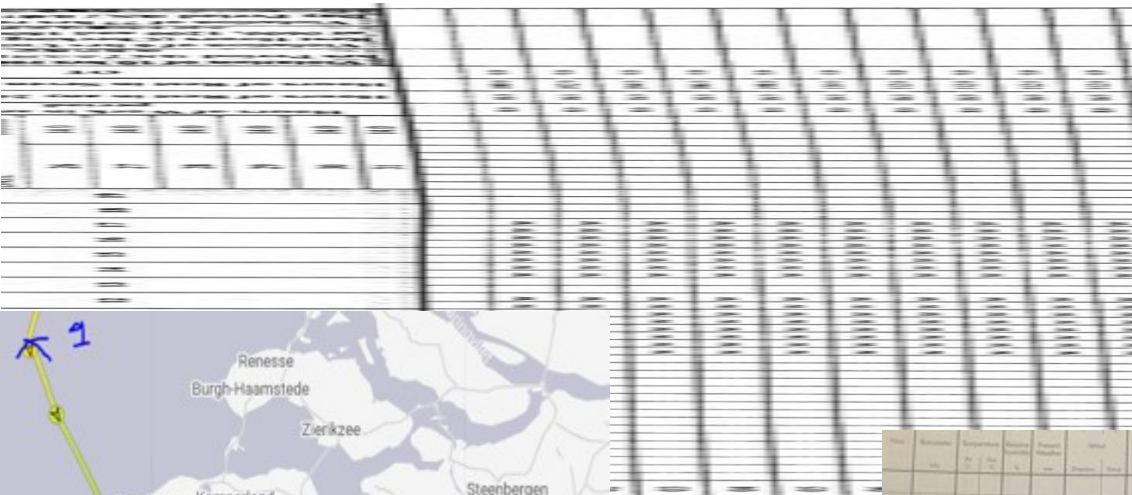




# Data gathering & analysis

Objective data from ships records (rest hours records, bell book, deck and engine logs, etc.)

Assessment of transit time, etc.



1200	GIVE NOTICE TO EIR.
1212	ALL EQUIP: TESTED AS PER BOM.5.15.6. FOUND ALL IN GOOD ORDER. ENGINE SIBY.
1248	FW E.
1618	1 HR NOTICE TO EIR, TEST ENGINE. 2N GOOD ORDER BOM.11

Dr.R

Time	Latitude	Longitude	Speed	Heading	Altitude	Roll	Pitch	Yaw	Accel	Temp	Humid	Pressure	Wind	Wave	Cloud	Visibility	Barometric	Compass	GPS	Engine	Light	Sound	Other
1200	51° 17' N	002° 17' E	5.1	SE	3	2			0.75									073	A	086			
1212	51° 17' N	002° 17' E	5.1	SE	3	2			0.75									079	A	091	09	152	
1248	51° 17' N	002° 17' E	5.1	SE	3	2			0.75									076	A	087			
1618	51° 17' N	002° 17' E	5.1	SE	3	2			0.75									078	A	092	09	152	
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1618	51° 17' N	002° 17' E	5.1	SE	3	2			0.75									076	A	091			

1506 2 PILOT OFF  
 1530 B.O.S.P GPS  $\varphi$  28°17.7'N  
 $\lambda$  004°41.4'W d = 480'

ARRIVAL NLRTM 26-03-2019  
 Dr 4.8m  
 Dn 6.2m

0330 - E.O.S.P GPS  $\varphi$  51°57.7'N  
 $\lambda$  003°39.9'E d = 41'

0334 - P.O.B

0450 -  $\rightarrow$  PASSIVE NAV3 BUOY

0654 FLA

0700 All fast 2+1 Fwd & Aft /  
 0706 FWE / Pilot off.

2200 POB.

2212 Cast off

2242 FLA

2248 All fast 2+1 F&A / FWE

0218 COMPLETED CARGO CRS  
 SHIFTING RST  $\rightarrow$  Dr 6.2m  
 Dn 6.2m

0330 P.O.B

0342 CAST OFF

0542 FIRST LINE

0548 ALL FAST AT DOLPHIN #2 DISIDE 2+1 F&A

0554 F.W.E / PILOT OFF

2242 Cast off

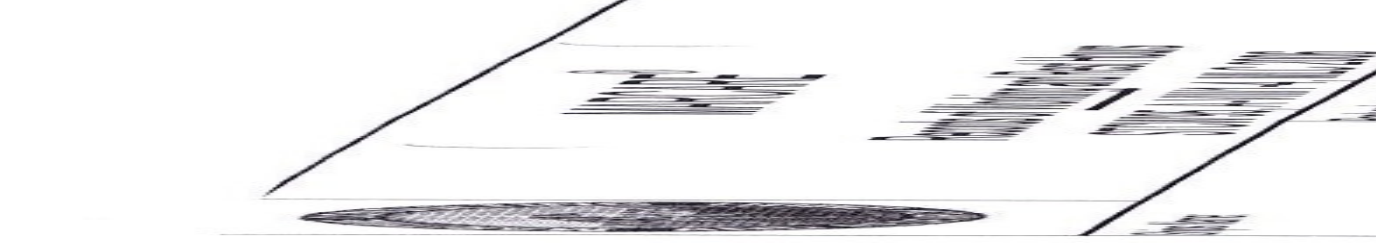
28.08.19

0000 All fast 2+1 / Dolphin

0006 Pilot off. / FWE.

1000 POB.

1030 Cast off.



2248 Cast off / Departure.



0315 LET GO STBD J GPS  $\varphi$  47°07.3'N  
 $\lambda$  002°25.6'

0330 F.W.E

1654 START HEAVING UP STBD J 60  
 CASTERN PROPUSSION

1712 ANCHOR UP



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*“I personally feel that STCW rest hour norms are being followed only on paper to satisfy oil major, ism, port state inspectors.” (Garb et al., 2011)*

## **RECORDING PRACTICE**

### **WHO? HOW OFTEN?**





In our panel  $\frac{3}{4}$  of seafarers declared that they prepare their own records. However, it exists some other practices.

*“Basically, our cadet is doing for me and for the rest of the crew. It’s actually an **extra workload & extra paperwork**. It’s [regulations] not useful.” (COff-3)*

## More than 60% of seafarers do not record daily.

*“Work/rest hours are to be recorded daily. However, **practically it’s not always possible to record the same on a daily basis** as you don’t expect the crew members after 6 hours of cargo watches to sit in front of the computer and fill work/rest hours.” (Capt-7)*

*“The most often, these records are not up to date, I would say. On some vessels **they do it at the end of the month for example, or twice a month** they fill out the records, and in our opinion it’s a bit too long to remember correctly all the information” (PSCO Paris MoU 1)*



*“[...] should check not only that their instructions are understood, but also that they are achievable with the manpower available in the turn round times allotted”  
(Marine Accident Investigation Branch, 2006).*

## **CIRCUMSTANCES LEADING TO VIOLATIONS**



**Workload in port and administrative duties are the main area of concern leading to violations. Seafarers also raised concerns about insufficient manning onboard.**

*“Master and Chief Engineers are **not able to take a rest after a long manoeuvring, berthing operation**. As soon as the vessel is berthed, they have to carry out port formalities, attend to 3<sup>rd</sup> party inspection, reply to numerous emails, attend and oversee cargo operation, deal with port authorities etc. You just cannot ignore them.” (CEng-1)*

*“So, apart from 6on/6off watch system, I have to do these additional jobs during my off watch. So basically, I am not getting sufficient rest by working 16 hours per day.” (3Off-2)*

*“There will always be tasks which are never reducing. The only way to cope with the situation is to increase the number of crew working on board” (Capt-2)*

## Views of stakeholders

*“I think **seafarers are their own worst enemies** when it comes to **working beyond the legal hours and not reporting it**. Even in companies where they honestly don’t want fatigue, they still have a difficult time because **mariners naturally want to get the job done**.” (Professional NGO 1 – IMO Obs.)*

*“But right now, they are very limited (crew size); I think that is the most crucial aspect, that **people are simply overloaded with tasks**.” (Trade Org. 2 - IMO obs.)*



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*“You’re asking me about workloads: do you want the rules or the truth?” (Garb et al., 2011)*

## **ADJUSTMENTS OF RECORD**

**In our seafarers' panel, all participants reported having adjusted or witnessed occurrences of adjustment.**

*“Unfortunately, due to the **inapplicability of the system** as argued before, it was **inevitable to amend the resting periods**. I amended records for myself and requested for crew members to amend theirs, [...]” (Capt-3)*

*“Every day people are doing adjustments. It is difficult to estimate as it is different for different ships. But as per **my worst experience I have adjusted to 10-12 days in a month** or sometimes more than that.” (Capt-2)*





## Stakeholders are aware of the issue

*“I would say hours of rest recordkeeping is absolute bullshit; **it’s not reflecting the reality** at all. It is compiled with compliance in mind”  
(Trade Org. 1 - IMO obs.)*

*“What happens is that the planning does not correspond to the reality and that they forget to adjust [understand update/correct]. **This happens from time to time, but it’s not an instruction or it’s not voluntary...it’s ‘oh, I forgot’.**” (Shipping Company 2)*



## PSCO views

*“And also, it is too perfect to be real, you know! And that is the most common you find in these kinds of books. So, **everything is perfect on paper, right!**” (PSCO Vina de Mar MoU)*

*‘Well, what you are asking right - **the documents are signed, but you know based on the workload that it can never be correct.**’ [PSCO Carib MoU]*



*“This is entirely due to commercial pressure from the company - the master is constantly under pressure from the company over the telephone because they never make their demands in writing. He only wants to do his best and to keep his job as do all of us.” (Chrip, 2019)*

## JUSTIFICATION FOR ADJUSTMENT

**Avoiding problems (with company and inspectors) and eluding additional work are key reasons to adjust records.**

*“If you don't do it [adjustment] then there will be some **argument with company.**” (Capt-4)*

*“[...] purpose was **not to get into trouble during 3rd party inspection.** If there is any observation, then there will be questions on our **capability in managing the vessel.**” (CEng-1)*

*“You will have that extra amount of paperwork from the office which will require another number of hours for working (laughs). **Just to avoid that extra paperwork** since you already have because of ISM.” (Capt-7)*



## Some comments by stakeholders

*“[...] if you are not sure if you will be employed again, you don't want to put your head above the pack... so, what do you do? You adjust your working hours or rest hours, so everything looks hunky-dory, ‘No problem, we are all rested.’ (Trade Org. 1 - IMO obs.)*

*‘Rest hours are maybe not what it should; of fear of exclusion, firing.’  
(PSCO Black Sea MoU)*



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*“[PSCO] agreed that the hours of rest were clearly falsified but had no solution to suggest” (Garb et al., 2011)*

## **ENFORCEMENT PRACTICE**



## Third party inspection may disturb seafarers' rest periods.

*“[PSCO] came on board for inspection. I told the [PSCO] that the crew is having rest after busy bunkering operation and requested if it possible for them to consider this. [PSCO] replied that it is not possible as he has to cover 6 other vessels. So, we had no option but to agree to their demands.” (CEng-1)*



## Some PSCO comments

*“Record of rest is **not a big part** of our initial inspection, because we have **lots of documents to check.**” (PSCO Paris MoU 1)*

*“And as long as this is really **time consuming and the scope of PSC inspection is very, very wide** - in everyday practice we **don't have time**, unless we have clear grounds to carry out such a verification.” (PSC Paris MoU 2)*



## To assess accuracy of records

*“It’s very easy to do – Port State should be doing it. You go look at the rest hours and then say, ‘show me you last bunkering time; **cross-check**’.” (Professional NGO 3 – IMO Obs.)*

*“Sometimes yes, we can detect when you **compare rest hours with drill records or manoeuvre records**; we can detect some non-compliance with records, yes” (PSCO Black Sea MoU)*



## In short, to enforce the regulation

*“PSC needs to search for the right place. The stick needs to be bigger if you want the rest hours to be respected” (COff-4).*



# PRELIMINARY RESULTS



- **GLOBAL and SYSTEMATIC** violations and adjustments of records
- Falsification of records is a **KNOWN ISSUE** within the shipping community
- **SYSTEMIC FAILURE** to address the issue – crew, companies, flag and PSC
- **NON-DISSUASIVE** enforcement
- **PAPER EXERCISE** for compliance
- Current **RECORDKEEPING** to question
- **CONVERGENCE** of data (literature and field work) but **MORE RESEARCH** needed



*“The regulations we have today cannot be revised properly and effectively if the data it is based on is not accurate” (20ff-1).*