



JMS FLEET CIRCULAR

FC Number : 02-2022

SUBJECT : **Work and Rest Hours**

ISSUE DATE : **07 January 2022**

Dear Captain and Chief Officer,

Some of you will already be under Charter for the Winter season and for that reason we would like to remind you of the requirements for Work and Rest hours registration.

The requirement of recording Work or Rest Hours is regulated under the ILO, MLC 2006 including the 2014 and 2016 amendments, Title 2, conditions of Employment, Regulation 2.3 – Hours of Work and Hours of Rest.

Each Flag State will require that either work hours or rest hours are registered but in the majority this will be rest hours.

We would like to remind you of the most important Work and Rest hours requirements; the complete regulation 2.3 is not listed here in its entirety;

The Term:

- a. Hours of work means time during which seafarers are required to do work on account of the ship;
- b. Hours of rest means time outside hours of work, this term does not include short breaks.

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 seven 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 seven day period.

Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length and the interval between consecutive periods of rest shall not exceed 14 hours.

Hours of rest which do not meet the above requirement should be compensated as soon as practicable.

Each Flag (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 national laws or regulations or applicable CBA's.



JMS FLEET CIRCULAR

Registration of Rest Hours

Registrations can be done in various forms. In most cases this is in a conventional registration via a word or excel sheet or via a digital registration. Please ensure that the monthly administration is up to date and signed by the Captain or the designated Officer and countersigned by the crewmember.

Workrest App

We know that many yachts are using the Workrest application onboard. We would like to bring to your attention that the app is used properly, in that new crew or re-joining crew are using the app and that the rest hours are being recorded on a daily basis. There is a learning centre where extra information regarding the use of the app can be gathered and workrest are available to answer any queries.

All yachts using workrest are linked to the JMS account and we will be notified directly via email if hours of rest are non-compliant. In this way, we can assist the yacht in trying to find a solution and keep an eye on non-compliances.

Non- Compliant Hours

All non-compliant hours should be discussed with the pertaining crewmember. Each crew member is required to comment on the reason why a day was not compliant. Simply writing “on charter” is not sufficient and this should be addressed, such as: departure, arrival, anchoring, guest activities with description, amongst others. This gives a clearer indication of activities. This can be registered via the form or app.

It's possible that crew members are non-compliant. If so, the hours should be compensated as soon as possible and always try to be in line with the minimum 77 resting hours in a week!

We understand that being under charter, rest hours are sometimes difficult to control, but by bringing this subject to your attention, we can assist in trying to ensure that the welfare of the crew is met and that of MLC.

Please remember that being available onboard outside the prescribed working hours does not necessarily mean working hours. Please discuss with your head of department.

If you have any questions or require assistance with Rest hours registration then please contact your ISM Manager.

Kind regards,

Zoe Bolt-Falconer