



Rev. 0

**REPUBLIC of SAN MARINO
MARITIME AUTHORITY**

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San Marino Policy Letter

SMPL – 2022-MLC-007

01 December 2022

San Marino Ship Register SMSR

Hours of work and hours of rest

TO: Recognised Organisations, Shipowners (Company), Managers, Masters, Seafarers, SMSR partners, SMSR brokers, Surveyors, and the general public.



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0. INTRODUCTION AND REFERENCES

This Policy Letter refers to the Maritime Labour Convention 2006 as ratified by the San Marino Flag Administration. It provides, in details, a guidance on compliance with San Marino regulations which give effect to the MLC 2006, Title 2.3.

1. PRICIPLES

Establishing either maximum hours of work or minimum hours of rest is essential in order to protect seafarers against fatigue due to excessive demands on their time and to ensure in the interests of safety, that hours of work and overtime (even if voluntary), in particular, does not exceed levels that are compatible with the safe and efficient discharge of duties on board.

2. GENERAL REQUIREMENTS

2.1 San Marino Administration Provisions

MLC 2006 requires that each Member State shall fix either a maximum number of hours of work, or minimum number of hours of rest, for a given period of time for all seafarers. In keeping with this requirement, the San Marino Flag Administration has established a minimum hours of rest standard which shipowner must comply. "Hours of rest" means time outside hours of work and does not include short breaks. The minimum requirement for hours of rest provided must be:

1. 10 hours in any 24-hour period, which may be divided into no more than 2 periods, one of which shall be at least 6 hours in length, and no more than 14 hours between any consecutive periods; and
2. 77 hours in any 7 days period.

San Marino registered ships are required to follow these requirements.

2.2 Drills and periods on call

The shipowner shall ensure that musters, fire-fighting; lifeboat; security, oil-spill drills, enclosed space entry and other emergency drills, safety & security exercises are conducted in such a manner so as to minimize the disturbance of rest periods and not to induce fatigue. Thus, time spent in the aforementioned musters, drills and exercises need not be included in normal hours of work or be regarded as overtime

The shipowner shall ensure that adequate compensatory rest period is provided if the normal period of rest is disturbed for call-outs to work, such as when a machinery space is unattended, or for other unscheduled work that was not anticipated at the commencement of the voyage. The compensatory rest period should be added to the minimum rest hours required before the seafarer returns to work. The call-out to work and provision of compensatory rest shall be clearly recorded.



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2.3 Table of shipboard working arrangements

The shipowner shall post in an accessible place in the standardized format established by the Administration (annex I of this Policy Letter) or in the ILO/IMO model format, a table of shipboard working arrangements containing the following information for every position on board the ship provided in English and the working language of the ship:

- (a) position of the seafarer;
- (b) the schedule of service at sea and service in port; and
- (c) the minimum hours of rest

The comments section in the table of ship-board working arrangements 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/rest hours column. Other forms of the tables of shipboard working arrangements may be accepted provided the required information is included.

2.4 Recording hours of rest

The shipowner shall ensure that records of daily hours of rest are maintained in a standardised format as established by the Administration (annex II of this Policy Letter) or in the ILO/IMO model format, in English and in the working language of the ship, to allow monitoring of compliance with the requirements stated above. Although the records are marked at thirty (30) minute intervals in the model format, records with shorter intervals may be used for recording actual time worked or rested. Other forms of record keeping may be accepted provided the required information is included. Any breaches or deviations of the hours of rest must be shown and also any compensatory rest periods given in lieu or in advance of any unavoidable minor deviations. Use of electronic record keeping systems, such as "ISF Watchkeeper" available on the International Chamber of Shipping website, are also acceptable provided they have the following features: 1. the format must be based on the ILO guidelines; 2. the electronic records must be accessible to all seafarer and are secure from unauthorized alterations after entering; 3. there must be a means for the records to be endorsed by the seafarer and the Master; 4. there must be a means for the seafarer to receive a copy of their hour of rest records; 5. the system must be available for inspection by San Marino Flag inspectors and port state control officers.

The shipowner shall ensure that seafarers receive a copy of their records as referred to in 3.3.7 above, endorsed by the Master, or a person authorized by the Master, and by the seafarer at intervals not exceeding one month. The records must be retained on board for each seafarer during the period of their employment on board or for 12 months, whichever is longer.

2.5 Exceptions to minimum hours of rest

Any applicable collective agreement may permit an exception to the 77- hour rest in any 7-day period provided:



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- a) the working pattern does not compromise the safety and security of the ship and the protection of the marine environment;
- b) that the rest period is not less than 70 hours in any 7-day period;
- c) such an exception from the weekly rest period shall not be allowed for more than two consecutive weeks.
- d) the intervals between two periods of exceptions on board shall not be less than twice the duration of the exception

Any applicable collective agreement may permit an exception to the two rest periods in any 24-hour period provided:

- a) the hours of rest in any 24-hour period may be divided into no more than three periods, one of which shall be at least six hours in length and neither of the other two periods shall be less than one hour in length;
- b) exceptions to the two rest periods in any 24-hour period shall not extend beyond two 24-hour periods in any 7-day period and the intervals between consecutive periods of rest shall not exceed 14 hours.

Collective agreements permitting such exceptions above may take account of more frequent or longer leave periods or the granting of compensatory leave for watch keeping seafarers or seafarers working on board ships on short voyages. Shipowners desiring to implement such exceptions shall record this in the DMLC-II under 'Hours of work or rest' for approval.

2.6 Master Authority

The master has the right to suspend the schedule of rest and 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. 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.

2.7 Shipowner obligations

The shipowner shall ensure that if there is a deviation from the schedule of service at sea and service in port, an explanation for this deviation should be recorded. Deviation from the schedule is not an infringement, provided the requirements for minimum hours of rest, including any applicable compensatory rest are being adhered to. The shipowner shall ensure that there are procedures for on-board monitoring of the rest periods of the seafarers. In case the breaches of the scheduled rest periods are frequent, demonstrating a non-adequate manning level, corrective action must be taken in the shortest time possible so that to restore the compliance with the hours of rest.

2.8 Young seafarers

It is prohibited to employ seafarers having less than sixteen years of age.



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1. At sea and in port the following provisions apply to all young seafarers under the age of 18:
 - (a) working hours must not exceed eight hours per day and 40 hours per week and overtime should be worked only where unavoidable for safety reasons;
 - (b) sufficient time should be allowed for all meals, and a break of at least one hour for the main meal of the day should be assured; and
 - (c) a 15-minute rest period as soon as possible following each two hours of continuous work should be allowed.
2. Exceptionally, the provisions of paragraph 1 of this Guideline need not be applied if:
 - (a) they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shiftwork system; or
 - (b) the effective training of young seafarers in accordance with established programs and schedules would be impaired.
3. Such exceptional situations should be recorded, with reasons, and signed by the master.
4. Paragraph 1 of this Guideline does not exempt young seafarers from the general obligation on all seafarers to work during any emergency.

3. ANNEXES

Annex I: Shipboard Working Arrangement

Annex II : Record of Rest Hours



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

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.

