

**CHARTING
THE DISTINCT
RIGHTS OF
SEA
WORKERS IN
EUROPEAN
WATERS**

**A FOCUS ON DECENT
WORKING TIME**

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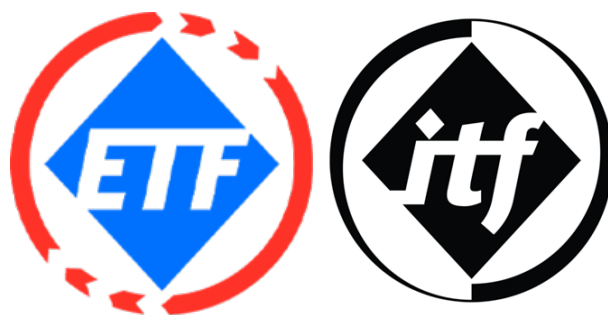
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Charting the distinct rights of sea workers in European waters – A focus on decent working time

*Everything that needs to be said has already been said.
But since no one was listening, everything must be said again.*

André Gide, Literature Nobel Prize, 1947

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Introduction

1.1 Purpose and scope

Despite being essential to food security and trade, shipping and fishing evolved as ‘a distinct society’¹ governed by its own rules and practices. Maritime labour law is no exception to this historical move. Rooted in ancient maritime customary law, maritime labour law excluded seafarers and fishers (hereinafter referred to as ‘sea workers’) from standard labour protections applied ashore.

Cultivating maritime specificities, regulations enact distinctions through a specialised legal framework, often downgrading sea workers’ rights relative to those of land-based workers. The dedicated maritime governance within the International Labour Organization (ILO) and the International Maritime Organization (IMO) further institutionalised this sectoral isolation, normalising labour rights differentiation.

Notably, within international law, the differentiated and comparatively diminished status of seafarers’ rights is likewise reflected in European Union (EU) law. In this respect, several EU directives exclude seafarers (or fishers or both) from common labour laws, such as the Posting of Workers Directive, thereby creating a breach of the fundamental legal principles and shared values claimed by the EU.

The differentiated treatment downgrades sea workers’ protections compared to land-based workers without any legal or moral justification.² As claimed by another study, ‘There are (...) no legal obstacles to the introduction of a system that ensures fair working conditions within the European Maritime Space. [...] Neither are there practical hindrances to the inclusion of the provision of maritime services in the European Pillar of Social Rights.’³

In short, maritime exceptionalism perpetuates ancient practices that prioritise the sector’s interests over protecting sea workers.

The study is primarily driven by the differential treatment of sea workers compared with land-based workers, which has resulted in their exclusion from several EU directives and in working and living conditions that fall below general labour standards.⁴ After a general overview of EU labour law, the study examines working time regulations in-depth because this aspect presents a wide gap between sea workers and others.

1.2 Report structure

The document contains three distinct reports:

¹ See R. Baumler and M. Carrera-Arce, “Suicide at sea: navigating in restricted visibility,” *Maritime Studies*, vol. 24, no. 42, 2025. doi: 10.1007/s40152-025-00422-3

² Irrespective of workers’ nationality and/or place of residence.

³ See F. Arnesen and T. Bekkedal, *Fair wage and working conditions within the European Maritime*; Scandinavian Institute of Maritime Law, Centre for European Law, University of Oslo, 2019.

⁴ The European Maritime Space for Socially Sustainable Shipping concept by ETF (2023) describes the existence of working and living conditions and rights and payments for seafarers that are substandard compared to those specified by EU Law and/or EU-based collective agreements as a clear case of Social Dumping: https://www.etf-europe.org/wp-content/uploads/2019/11/FairShippingConceptNoteFinal_All.pdf

- The Report 1 '**Social rights of sea workers in European waters – A Legal study**' discusses sea workers labour regulations in Europe, including cross-sectoral and sector-specific instruments. (pp. 11-68)
- The core of Report 2 '**Ensuring decent working time for the future – Seafarers under EEA and non-EEA flags**' analyses flags State working-time requirements in the EEA and selected non-EEA jurisdictions. (pp. 69-130)
- The Report 3 '**A working time comparative analysis – Examples of labour gaps between sea and land workers**' explores in depth working time between sea workers and other occupational groups, along with a discussion on social dialogue on the topic. (pp. 131-209)

1.3 Report summary

1.3.1 Report 1: *The Fragmented Legal Framework for Sea workers in EU Labour Law*

The legal position of seafarers and fishers within the European Union's labour framework is marked by complexity and uncertainty. While these workers are covered by sector-specific directives implementing ILO conventions (MLC, 2006 and C188), their relationship with cross-sectoral EU labour instruments is inconsistent, often leading to exclusion and a protection gap. The legal study argues that the international nature of the shipping industry has rendered traditional legal concepts obsolete, requiring a critical reassessment of how jurisdiction and applicable law are determined for sea workers.

- **The problem of definition and exclusion**

A foundational issue is the imprecise use of terms like 'seafarer' or 'fisher,' which fails to account for the diverse jobs and working arrangements on board vessels. This lack of clarity, combined with the fact that some exclusions from EU directives are not aligned with ILO standards or national practices, means that many sea workers are partially or totally excluded from the protective scope of general EU labour law.

- **The inadequacy of the flag State principle**

The traditional public international law principle, which grants jurisdiction to the flag State, is no longer fit for purpose in the context of private employment disputes, particularly with the rise of open registers. In the EU, private international law now governs these matters, prioritising the 'proximity principle' to connect the case with the most closely related legal system. For individual employment contracts, this is determined by the worker's 'habitual place of work.' Crucially, the Court of Justice of the European Union has moved away from equating the flag State with this place, instead building a circumstantial test to identify the country from which the worker habitually performs their duties for the employer.

- **Complexities in access to justice and applicable law**

While EU regulations (Brussels I Recast and Rome I) aim to protect workers by directing them to their habitual workplace, this system breaks down for seafarers. The highly internationalised nature of their work makes the 'habitual place of work' difficult to pinpoint, and the factors in the test can be easily manipulated by employers. This uncertainty undermines predictability and legal certainty. Furthermore, while workers can sue employers in the courts of the employer's domicile, this forum may be geographically and financially inaccessible. The text suggests a need to reconsider jurisdictional rules to offer sea workers a court closer to their home.

- **The limited role of overriding mandatory rules**

Protection may be salvaged through ‘overriding mandatory rules’—fundamental provisions of a country’s legal system (e.g., minimum working conditions) that apply regardless of the law governing the contract. However, their application is limited, as it depends on the EU Member State where the claim is brought. The EU’s Posted Workers Directive (PWD), which contains a list of such protective conditions, could serve as a model for harmonisation, but seafarers are currently excluded from its scope.

- **The case for revisiting the posted workers directive**

The exclusion of seafarers from the PWD is particularly striking given that road transport workers, who face similar challenges in determining their workplace, are included. If the specific directive designed to manage the posting of transport workers proves effective, the case for extending similar protections to seafarers should be urgently revisited to close the current protection gap and ensure they are not left behind in the EU’s social agenda.

In essence, the existing EU legal framework fails to provide sea workers with the clarity and access to justice afforded to shore-based workers, necessitating a reform that acknowledges the unique, transnational nature of their employment.

1.3.2 Report 2: The Erosion of Flag State Authority in Enforcing Seafarers’ Working Time

While international law, particularly the Vienna Convention and the Maritime Labour Convention (MLC, 2006), firmly establishes flag States as the primary enforcers of treaty obligations (such as seafarers’ working hours), research indicates that this authority is being systematically eroded. A combination of industry influence and practical implementation failures has led to the normalisation of excessive working hours at sea, creating a significant gap between legal commitments and onboard reality.

The text argues that regulatory practices are shaped by a deep integration of industry interests, contributing to a *status quo* of very long working hours. This occurs through two primary mechanisms: the normalisation of poor standards and repetitive implementation enforcement failures.

- **The normalisation of poor standards and integration of employer interests**

Regulators have contributed to the problem by adopting the lowest acceptable international standards, which has socially normalised unsafe working hours and downgraded seafarers’ conditions compared to shore-based workers. Furthermore, there is a neglect of established fatigue science, with regulators undervaluing the link between working time and human error. This approach is reinforced by an alignment with employers’ perspectives, where principles like ‘competitiveness’ and ‘legislative ease’ are prioritised over the regulations’ core purpose: protecting seafarers’ health, safety, and work-life balance.

- **Critical implementation and enforcement failures**

Even existing, weak regulations are poorly enforced due to tangible resource constraints. Flag States report a lack of staff, time, and funding to conduct in-depth inspections, which allows malpractices to persist. This is compounded by weak feedback mechanisms; seafarers rarely file formal complaints, often due to overtime pay incentives that discourage reporting long hours. Without effective data on breaches, authorities are unable to take punitive action, such as withdrawing safe manning documents, allowing non-compliance to continue unchecked.

- **The path to reform**

Before any meaningful change can occur, the text highlights several points that must be integrated into the discussion. First, seafarers themselves often prioritise higher wages or shorter contracts

over reduced working hours, creating a complex dynamic where overtime pay can incentivise overwork. Second, while some flag States are open to change, they stress that any new standards must be international to ensure a level playing field for all shipping nations. Finally, the unique pressures of short-sea shipping, with its frequent port calls, are identified as a specific area where compliance is most difficult and fatigue is most acute.

In essence, the traditional authority of flag States is being hollowed out by a combination of pro-industry regulatory bias and a lack of enforcement capacity, perpetuating a cycle where the law on the books fails to translate into decent working hours for seafarers.

1.3.3 Report 3: The Failure of Maritime Governance – A Systemic Gap in Working Time Protection for Sea Workers

A comparative analysis between sea-based and other workers in the EU/EEA reveals a profound and systemic gap in working time protections. This disparity calls into question the capacity of international and EU maritime regulators to fulfil their mandate to protect sea workers. The evidence suggests that the current governance model, including its social dialogue mechanisms, is structurally aligned with industry interests, obstructing efforts to align maritime labour standards with those of other sectors.

- **Substandard regulatory framework**

Maritime labour standards remain significantly below those applied to other EU/EEA workers. The work/rest regimes permitted for seafarers and fishers -allowing for up to 91-hour workweeks- would be unacceptable in any shore-based sector or other transport modes. The EU has consistently aligned its maritime legislation with the least protective international standards, reinforcing a form of ‘maritime exceptionalism’ where operational considerations override established labour law principles and scientific evidence on fatigue.

- **Commercial interests over science and decent work**

Current working time regulations for sea workers prioritise sectoral and commercial interests over worker well-being. By legitimising 14-hour workdays, the framework structurally diverges from labour norms recognised for over a century. This preserves the *status quo* rather than incorporating ILO decent work standards or fatigue science recognised in other industries.

- **Alarming statistical evidence**

Available data paints a dire picture:

Seafarers’ average weekly hours far exceed the 48-hour ILO decent work threshold, with peaks reaching 91 hours and higher.

This is a sector-wide structural issue, with nearly identical patterns across EU/EEA and non-EU/EEA flags, and among EU/EEA and non-EU/EEA nationals.

The yearly average working time for seafarers exceeds that of any other worker category in any EU/EEA country.

Fishers face even worse conditions, with studies showing 16-20-hour shifts and 85% of workers in some samples exceeding the 91-hour weekly limit, though data remains scarce, rendering the sector invisible.

- **Imbalanced social dialogue**

At the regulatory level, shipowners’ interests dominate standard-setting, while seafarers’ bargaining power is marginalised. At the operational level, companies commonly deny responsibility for violations, blaming crews instead. Minimum safe manning certificates are used to justify overwork,

and breaches are normalised as 'operational necessities,' creating a system where workers bear full responsibility without influence over decisions affecting their health and safety.

- **Systematic tolerance of unsafe conditions**

Violations of rest-hour limits are not exceptional but routine features of ship operations. Understaffing, compressed schedules, and port demands routinely exceed crew capacity. Compensatory rest is used not as an emergency measure but as a structural workaround, concealing chronic fatigue risks and demonstrating a governance environment that accepts unsafe conditions.

- **Commercial priority over well-being**

The lack of effective fatigue-risk management, combined with insufficient crewing and unrealistic workloads, creates an environment where worker well-being and fundamental rights are consistently subordinated to operational demands. Other issues like unpaid overtime, misuse of cadets, and punitive responses to complaints reflect systemic disregard for seafarers' rights.

- **Governance failure undermining safety and decent work**

The interplay of permissive regulations, weak enforcement, and unbalanced social dialogue produces a regime that fails to protect workers while jeopardising safe ship operations. The system remains unable to address human factors, generating unsafe conditions and failing to respect human limitations.

In conclusion, decent working time standards have not permeated the occupational reality of sea workers. Unhealthy hours affect decision-making capacity, and no human-factors strategy in maritime can genuinely improve well-being without first ensuring decent working time as a foundational principle.

Social rights of sea workers in European waters⁵ – A legal study

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⁵ The European space is the main context of the project. However, as needed, countries from the EEA (e.g., Norway) can be also included when relevant information is extracted.

Executive summary

The European Union (EU) is divided into 27 labour markets needing coordination. However, EU legislative competence is rather limited in labour and employment matters, although the European Pillar of Social Rights (EPSR) released in 2017 demonstrates the EU's full awareness of its role in promoting decent work. However, this Pillar remains a recommendation directed towards all Member States, issued under Article 292 of the Treaty on the Functioning of the EU (TFEU), and seeks common ground on which to build the necessary coordination among Member States to avoid market distortions and competition. The TFEU also supports a growing number of instruments in this field.

Some of these instruments are sector-specific, such as the directives containing the agreements on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006), and the Work in Fishing Convention, 2007 (C188), among EU social partners, and are binding on all EU Member States. Others are cross-sectoral, such as directives on workers' information, consultation and participation rights, transparent and predictable conditions, or minimum wage. Despite being binding on Member States, all of them have to be incorporated into domestic legislation to the extent that they lay down minimum labour standards that need to be adapted to national practices. The ensuing legal divergence across the EU, with 27 different laws and regulations, along with the different types of EU instruments used for their harmonisation, raises two main questions:

1. Are sea workers subject to cross-sectoral EU instruments like any other workers?
2. Which one of the 27 legal systems (or any other in the world) would be applicable to sea workers' labour and employment disputes?

Exclusion of sea workers in EU labour law

- Following Directive (EU) 2015/1794, which amended directives that specifically excluded seafarers and/or fishers, it has become clear that cross-sectoral instruments apply to them unless expressly excluded, as in the EU Posted Workers Directive (PWD). More specifically, and as confirmed by the Court of Justice, the directives ordering the implementation of the MLC, 2006 and C188 do not prevent the application of other instruments that provide the same or better working and living conditions to sea workers.
- In line with this conclusion, the Transparent and Predictable Conditions Directive (EU) 2019/1152 and the Minimum Wage Directive (EU) 2022/2041 include sea workers. However, they expressly exclude them from some of the rights therein laid down. The justification for such exclusions is not convincing, as the reasons suggest that such provisions are already included in EU law implementing the MLC, 2006 or C188. On the one hand, the latter do not exclude other instruments from applying the standards included in the MLC; 2006/C188. On the other hand, the request for implementation to be found in the MLC, 2006/C188, can be fulfilled by the Member States themselves or by the EU, as regulations and directives are also Member States' legislation.
- Some of the provisions in the said EU directives that are not applicable to seafarers are found in the MLC, 2006's guidelines, which makes their exclusion more striking. By the same token, EU social dialogue should take these provisions into account when discussing EU labour law instruments.

Impacts of definition mismatch

- There is a mismatch between the concepts of seafarers and fishers as defined by the MLC, 2006 and C188, and the concept of worker used by EU law. The latter is restricted to cases

of subordination to the employer, while the former also covers self-employed workers and professionals.

- A restrictive determination of sea workers in EU law may affect their protection.
- Indeed, a seafarer is not only a worker with navigational skills; the category also includes anyone employed, engaged, or working in any capacity on board, such as in the hospitality or entertainment sectors. The EU-level provisions specifically targeting seafarers, such as those in the Minimum Wage Directive or their exclusion from the PWD, do not seem to take into account the variety of activities a seafarer might perform on board a vessel. Consequently, seafarers without navigational or engineering skills may be deprived of certain protections.

Implementation and enforcement of EU labour law

- With some exceptions, such as the Social Security Coordination Regulation, EU labour law is basically contained in directives that require implementation at the Member State level. They have some flexibility in their implementation, but they should comply with their material, territorial and temporal scope of application. Implementation should thus include seafarers and fishers if they are not specifically excluded from the directive's scope of application. The question of EU law's territorial reach varies, nevertheless, depending on whether its provisions are classified as a public or a private matter:
- Should it be a public matter, such as occupational health and safety, the territoriality principle applies, basically covering workplaces in the countries' geographical reach, including ships registered in their territory, in line with the flag State principle as enshrined in public international law. However, the relevant instrument might apply extraterritorially, as the Social Security Coordination Regulation illustrates by submitting the case of a seafarer working on board a ship flying the flag of a third country for an employer seated in an EU Member State to the social security scheme of the EU Member State in which (s)resides.
- Should it be a private matter, such as wages or contract duration, a conflict rule mediates the issue by pointing to a relevant law, which can be that of a Member State or not, including the directive's provisions. Accordingly, the application of EU law, as implemented in domestic law, depends on whether the relevant conflict rule designates it. Relevant at this point is that the flag State principle does not play a role in this field. These issues are excluded from the concept of 'social matters' in Article 94 of UNCLOS.
- Enforcement of EU labour law through State inspections on board ships is primarily a flag State responsibility. Port state jurisdiction and control are fundamentally linked by, and basically limited to, treaty provisions. Accordingly, PSC operates only to examine compliance with the MLC, 2006's requirements (regulations and standards), not their implementation in any national law, which clearly undermines its scope. Labour inspections overlap with flag State inspections, but they can go beyond workplace inspections by addressing issues such as social security contributions or contract duration. Thus, other countries than the flag State can inspect these matters (such as the seafarer's country of residence).

Access to justice

- Individual employment contracts are primarily subject to the jurisdiction of the worker's habitual place of work. Considering that sea workers usually work across jurisdictions and in non-sovereign areas, it was assumed that their habitual workplace was in the flag State. However, the internationalisation of the maritime labour market and the proliferation of flags of convenience have ended this equation. According to the EU Court of Justice, the habitual

workplace of transport workers is located in the country *from which* they habitually provide their services towards their employer.

- The determination of such a country is subject to a circumstantial test which requires the examination of a number of factors on a case-by-case basis. Such an approach ensures that the closest jurisdiction to the employment relationship is applied, but it does not help predictability or legal certainty. Likewise, it does not take into account the collective dimension of the employment relationship, as each sea worker on the same vessel might be subject to a different legal system, making collective bargaining very challenging.
- The circumstantial test works well in the case of cabotage. The habitual workplace of a seafarer working on a ferry is the country from which (s)he carries out his or her transport tasks, receives instructions concerning his or her tasks and organises his or her work, and the place where his or her work tools are to be found. For example, the examination of these circumstances will determine whether UK or French law governs the individual employment agreement of a seafarer working on board a ferry operating between ports in the two countries, even in the event that the ferry is flying the flag of a third country.
- Access to justice in individual employment disputes is governed by the Brussels I Recast Regulation, which provides sea workers with several heads of jurisdiction. There are several protections in place, given that they are the weaker party to the contract and thus have limited bargaining power. Accordingly, they can agree with the employer, either expressly or tacitly, to submit their disputes to a court of justice, but only when they are fully aware of the consequences of such an agreement to ensure that it is concluded to their benefit. Should they not agree on one particular jurisdiction, they can sue their employer in the country where they habitually provide their services to their employers or in the latter's domicile.
- Hence, the uncertainties of the habitual workplace concept also affect their access to justice, punctuated by the fact that such a country might not be their country of habitual residence, thereby compromising their access to justice at the EU level. This issue could be solved by allowing sea workers to claim against their employers also in the country of their domicile. This head of jurisdiction would also help in cases where the employer is seated in a third country, and the ship is flagged in a third country as well.
- The law governing the individual employment contract can be the law chosen by the shipowner, and the seafarer, provided it does not deprive the latter of the protection granted by the otherwise applicable law, i.e., the law of the place from which work is habitually provided or another law which is closer than the latter to the employment relationship. It should be stressed again that none of these laws has to be the law of the flag State.
- Law selection is particularly complex for sea workers and is not guided by the worker protection principle. This further complicates their access to justice.
- In applying the law designated by the conflict rule (which might be a foreign law), courts and adjudicators have to give preference to their own country's overriding mandatory rules that embody fundamental values and principles such as the non-discrimination principle and occupational health and safety matters. While EU law can be a source of overriding mandatory rules, each Member State determines their own. The Posting of Workers' Directive includes a list of matters considered overriding mandatory (remuneration, contract duration, work and rest hours, holidays, non-discrimination, maternity protection, accommodation, food and catering, repatriation, and occupational safety and health) which could be used for reference in the maritime sector.

Ensuring decent working time for the future⁶ Seafarers under EEA and non-EEA flags

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⁶ The title draws on the 2018 ILO General Survey on working-time instruments, 'Ensuring Decent Working Time for the Future.'

Executive summary

The ILO's decent work establishes a threshold of 48 hours per week. Beyond this limit, workers face exponentially higher risks to their health and safety.

More than two decades of research in the maritime world show that seafarers far exceed this benchmark. A recent study estimates seafarers work an average of 74.9 hours per week, significantly more than the global average of 43 hours per week.

Notably, very long hours of work at sea are permitted by flexible working time limitations.

The ILO's Maritime Labour Convention, 2006 (MLC, 2006) Regulation 2.3 mandates States to opt for two possible standards: 1) a 48-hour workweek (Standard A2.3#3) possibly extended to a maximum of 72 work hours (Standard A2.3#5a), OR; 2) a 48-hour workweek possibility extended as long as the labour still allow 77 hours of rest per week (Standard A2.3#5b). Translated into hours of work, this second standard becomes a 48-hour workweek possibility extended to a maximum of 91 hours.

Under Standard A2.3#5a, seafarers can work up to 72 hours per week, while under Standard A2.3#5b, seafarers are authorised to work up to 91 hours per week. This signifies that the flag State's decision to adopt Standard A2.3#5b significantly increases the maximum work time per week from 72 hours to 91 hours. In any case, both standards considerably diverge from shore work standards.

Intending to understand regulatory choices and make a regional comparison, the research established the applicable flag State norms and collected the justifications given by flag State representatives for their working time selection.

First, the study examined the working time regulations of 55 flag States, representing over 90% of the world's deadweight tonnage. The key findings are as follows:

- No flag State imposes a strict 48-hour workweek in shipping (Standard A2.3#3). Instead, all permit flexibility, allowing a 72- or 91-hour workweek.
- A significant majority of flag States (89.4% of world deadweight tonnage) adopt the least favourable standards for their fleets, permitting a 91-hour workweek (Standard A2.3#5b).
- Only five flag States (2.9% of world deadweight tonnage) opted for a 72-hour workweek (Standard A2.3#5a). Seven others (2.6% of world deadweight tonnage) adopted mixed standards—even when these contradicted the intent of the Maritime Labour Convention (MLC), 2006.

Second, the study interviewed representatives of 21 flag States. The interviews explore their rationale for selecting specific standards and implementing working time regulations. The key findings are as follows:

- Flag attractivity and employers' satisfaction are the main drivers for labour regulation development in the maritime sector.
- Despite established scientific evidence, regulators tend to understate the link between long working hours, occupational safety, and health and fatigue.
- The absence or limited feedback on work/rest hours violations identified during surveys hinders feedback to flag States.

Third, the study compared working time implementation between EEA and non-EEA flags using key indicators: weekly hours of work, weekly day off, monthly non-compliance, and adjustment of

work/rest hours. Findings show similarities rather than regional differences, meaning that working time implementation issues are equally pervasive across EEA and non-EEA flags.

To sum up, this research suggests that business interests prevail over occupational safety and health considerations. Regulations permitting excessive flexibility and flag States normalising poor standards for seafarers illustrate the disregard for decent working time in the maritime sector. Furthermore, the unaddressed issue of hours of rest record adjustments obscures feedback to flag States, who cannot address structural non-compliance.

Despite the abundant literature on occupational health and safety, and maritime research on fatigue and working time, the persistence of unhealthy working time standards in the marine sector suggests a disregard for or even disparagement of scientific evidence related to labour issues.

Not considering seafarers as an opportunity for the sector but a cost always to cut has normative effects on working time, rippling detrimental effects on their safety and health, and retention rates. The long-term supply of seafarers and the sustainability of shipping require seafarers to be considered normal human beings with identical physiological limits. In this respect, developing scientifically informed working time standards allowing decent working conditions at sea becomes necessary.

A working time comparative analysis – Examples of labour gaps between sea and land workers

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Executive summary

This report compares maritime and land-based workers in the European Union (EU) regarding working time and discusses certain aspects of social dialogue. Using EU and European Economic Area (EEA) regulatory frameworks, empirical data, and case studies, the analysis demonstrates that seafarers and fishers are systematically exposed to working conditions that would be considered unacceptable ashore and in other transport sectors. The findings reveal persistent regulatory inconsistencies, deficient implementation practices, and an imbalanced social dialogue, all of which contribute to widespread excessive working time and chronic fatigue among sea workers.

Working time: a structural labour gap

Despite extensive scientific evidence linking long working hours to chronic fatigue, cardiovascular disease, impaired cognitive performance, and occupational accidents, maritime working time regulations widely diverge from those governing land-based workers and other transport workers. The analysis shows:

- Maritime rules allow weekly working hours (from 72 to 91/98 hours), meaning far beyond what international health research deems safe (>50 hours/week) and what the ILO defines as decent working time (>48 hours/week).
- With an average of 74.9 hours of work per week, statistical indicators clearly demonstrate extreme overexposure of seafarers to long hours (>48h/week) and very long hours (>60h/week). More than 90% of seafarers work long hours, and about 80% exceed 60-hour workweeks.
- Simulated estimates reveal that seafarers' annual working hours surpass those recorded in all comparison countries and, in many instances, approach double the workload of shore-based employees and other economic sectors.
- EEA and non-EEA-flagged vessels show no difference. Consequently, excessive working time is not regionally determined but structurally embedded across international shipping.
- Despite limited research and evidence, fishers seem to be exhibiting even more alarming patterns, with many regularly surpassing 91 hours of work per week.

These findings confirm the persistence of hazardous working conditions for sea workers, even though they have largely disappeared from most other sectors worldwide since the end of the 19th century.

Regulatory and enforcement shortcomings

The research finds that regulators frequently overlook the links between excessive working hours, occupational safety, and seafarer fatigue.

Additionally, systemic deficiencies exacerbate the problem, including:

- Maritime exception: The regulatory choices of EU Member States align with international standards (MLC, 2006 and C188) rather than with decent work principles.
- Inconsistent enforcement: Research reveals widespread falsification of work/rest hour records, understaffing, and persistent breaches treated as routine or unavoidable.

- Limited or absent feedback mechanisms: Violations recorded during inspections seldom reach flag States in a way that supports meaningful corrective action.

Social dialogue: imbalance and ineffectiveness

The report also examines the role of social dialogue in shaping working time regulation and practice. The main findings show:

- At the macro level, social dialogue is structurally unbalanced, thereby allowing the predominance of shipowner interests. Additionally, EU negotiators rarely challenge international maritime standards, even when they contradict the established norms of decent working time applicable in other sectors in their own countries.
- At the micro-level, shipboard case studies document repeated failures in implementing safe working time, with crew members reporting structural non-compliance, lack of corrective action, and retaliation when raising concerns.
- Fishing social dialogue is fragmented, with weak representation and poor uptake of health and safety standards.

Notably, the current terms of social dialogue seem unable to address the root causes of excessive working time and redress the situation. In short, the gap between sea and land labour standards is abyssal, indicating a need for re-evaluating EU maritime governance, including its foundations and cognitive matrix.

Remarks

Taken together, the results point to a persistent tendency to prioritise sectoral interests over occupational safety and health.

First, maritime regulations normalised 'the unacceptable' in terms of working time. Consequently, overwork is the norm for sea workers, inactivating the applicability of decent working time at sea. Far from progressive, EU maritime regulation remains anchored in outdated standards that are dangerous to ships and sea workers.

Second, compliance monitoring and enforcement mechanisms are inefficient at ensuring the implementation of even the existing, poor standards.

Third, the structural imbalance between employers and employees in the maritime domain is detrimental to a fair social dialogue. Therefore, no effective corrective mechanism is currently available to support decent work at sea.

Appendix

Additional resource published in European Labour Law Journal

Official defeat of Seafarers' right to decent working time

European Labour Law Journal

1–25

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Abstract

Regulation 2.3 of the Maritime Labour Convention, 2006 (MLC, 2006) requires States to regulate 'hours of work or hours of rest'. Listing three non-equivalent workweek standards (48-72-91), the regulation empowers Flag States to select the applicable norms. The study reviews the choices of Flag States when enacting working time standards applicable to their fleet under national law. In the overwhelming majority of cases, States adopt the working standard that is least favourable to workers. The general adoption of standards allowing up to a 91-hour workweek - the European Union Member States not being an exception - suggests a global alignment of regulators with the interests of capital and a disregard for the principles of labour law, which aim to protect the weaker party to the contract, in this case, the seafarer. Such a result indicates a governance imbalance at both international and national levels. Consequently, decent working time principles are disregarded, allowing unsafe and unhealthy working time conditions at sea to persist.

Keywords

Flag State, hours of rest, hours of work, ILO, MLC, 2006, seafarer fatigue, working time standards

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I. Introduction

The International Maritime Organization (IMO) and the International Labour Organization (ILO) are United Nations specialised agencies. The IMO has the responsibility for ensuring the safety and security of shipping and preventing marine and atmospheric pollution.¹ At the same time, the ILO focuses on the aspects of workers and promotes social justice, as well as internationally recognised human and labour rights.² While both are inter-governmental organisations, the ILO's decisions are made through tripartism, where representatives of governments, employers' and workers' associations jointly agree on labour matters. Furthermore, the IMO and ILO collaborate through Joint Tripartite Working Groups (JTWGs), as evidenced by the recent Resolution concerning the convening of a meeting of the Joint ILO-IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element on hours of work and hours of rest (STCMLC/2025/Resolution).³

Within the ILO mandate, the institution has long struggled to regulate working time at sea. Since the 19th century, shipowners' organisations have challenged labour law at sea, arguing that work at sea has a 'special nature'. This argument presupposes the immutability of ship design and operations. Despite its success, this premise is objectively false because both shipbuilding and operational decisions are socially determined and potentially subject to regulation. Supported by the narrative of 'maritime exceptionalism', the coordinated action of the shipowners' group and most ship-owning nations have hindered the entry into force of the instrument on working time established around the eight-hour reference system since 1920.⁴

The 1920 ILO 'Proposed Draft Convention limiting working hours on board ship' and the 1936 Hours of Work and Manning (Sea) Convention (No. 57), respectively, failed to be adopted and to enter into force because both texts made the effectiveness of the eight-hour workday at sea conditional upon a restriction of shipowner freedom in determining crew size. After these initial attempts, no text has ever directly linked working time and stringent manpower requirements.

Consequently, the fictional normalisation of excessive working hours at sea made it necessary to adopt a different legal approach from other sectors. Additionally, the ILO introduced this maritime exceptionalism into its governance structures: first, the labour issues of those working at sea became debated in isolation from 1921 and, second, the introduction of the 'tonnage lock' in 1936, i.e., the requirement of reaching a specific world tonnage percentage for the convention to enter into force, tightened the grip of the industry over maritime labour law development.⁵ Consequently, thus far, the development of working time standards for sea workers has focused on preserving sectoral interests and the *status quo*.⁶

1. IMO. <https://www.imo.org/en/about/pages/default.aspx>.

2. ILO. <https://www.ilo.org/about-ilo>.

3. ILO. *Draft Resolution Concerning the Convening of a Meeting of the Joint ILO-IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element on Hours of Work and Hours of Rest*. STCMLC/2025/Resolution.; 2025.

4. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101.

5. Baumler R, Carrera Arce M, Pazaver A. Quantification of influence and interest at IMO in Maritime Safety and Human Element matters. *Mar Policy*. 2021;133(February):104746. doi:10.1016/j.marpol.2021.104746; *Transparency International. Governance at the International Maritime Organization: The Case For Reform*; 2018.

6. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101.

In the 1990s, serious marine casualties forced the IMO to regulate ‘the danger posed by [the] fatigue of seafarers’. The 1995 amendments to the International Convention on Standards of Training, Certification, and Watchkeeping 1978, as amended (STCW 1978 as amended), introduced minimum hours of rest requirements for seafarers. Created under Section A-VIII/1 – Fitness for duty, the IMO standards do not address hours of work, but minimum hours of rest.

In short, the IMO regulated where the ILO failed to do so. However, this IMO success is relative because it required notable deviations from the ILO working time standards, opening a wide gap between those applicable to sea workers and other workers.⁷ Indeed, Section A-VIII/1 established a minimum of ten hours of rest in any 24-hour period, applicable only to watchkeepers, thereby shifting the reference system to a 14-hour workday. This initial version of Section A-VIII/1 even accommodated possible reductions to six hours of rest per day and did not prescribe weekly limitations. Furthermore, no verification mechanism, such as recordkeeping, was proposed.⁸

In an attempt to integrate developments from the STCW 1978 as amended, the ILO responded by adopting the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996 (C180), altering its previous definition of what constituted the normal working hours’ standard. Indeed, the social partners’ acceptance required that the ILO standards assimilate the IMO principles. Undermining the universalism of the eight-hour working day,⁹ the C180 amalgamated IMO and ILO standards, prompting its entry into force in 2002. Thereafter, the Maritime Labour Convention 2006 (MLC, 2006) absorbed the C180 substance in Regulation 2.3 - Hours of work and hours of rest, and Regulation 2.7 - Manning Levels.

Finally, in 2010, the IMO reviewed its standards to narrow the gap between the two instruments. Today, two badly-aligned standards coexist: Section A-VIII/1 of the STCW 78 as amended, and Regulation 2.3 of the MLC, 2006.

Furthermore, the implementation of the MLC, 2006 introduces an additional difficulty. The MLC, 2006, Regulation 2.3 mandates States to opt for two possible working time standards resulting from three different norms: (1) a strict 48-hour workweek (Standard A2.3, para. 3) and (2) a limit of either a maximum of 72 hours of work per week (Standard A2.3, para. 5a) or a minimum of 77 hours of rest per week (Standard A2.3, para. 5b). The three different workweek norms are 48, 72 and 91 hours in length, respectively. It is essential to note that 2.3, para. 5a and 2.3, para. 5b standards are not equivalent. When transformed into hours of work using the ILO definition of rest (Standard A2.3, para. 1), the minimum rest standard allows for up to 91 hours of work per week, while the maximum hours of work standard permits 72 hours. Each Member State shall consider the normal working hours’ standard for seafarers to be an eight-hour day with one day of rest per week and rest on public holidays, but choose between the abovementioned two non-equivalent standards based on ‘maximum hours of work’ or ‘minimum hours of rest’ to establish the limits of seafarers’ working time. This approach is to a certain extent replicated in C188-Work in Fishing Convention 2007.

7. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101.

8. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101; IMO. *STCW 1978 Including 2010 Manila Amendments*. IMO-London.; 2017.

9. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101.

For its part, the European Union (EU) first addressed minimum safety and health requirements for the organisation of working time in Directive 93/104/EC,¹⁰ under the umbrella of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.¹¹ It applied to all sectors, ‘with the exception of air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea and the activities of doctors in training’ (Art. 1(3)). Directive 2003/88/EC¹² codifies the provisions of Directive 93/104/EC as amended by Directive 2000/34/EC,¹³ including a provision on working time in fishing (Art. 21) and offshore workers as defined in Art. 2(8) (Art. 20), but excluding seafarers who are specifically covered by Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners’ Association (ECSA) and the Federation of Transport Workers’ Unions in the European Union (FST).¹⁴ Art. 11 of Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers’ Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche)¹⁵ excludes fishers covered by the latter Agreement from Directive 2003/88. In this vein, all sea workers receive the same treatment under EU law as they do under international maritime labour law.

The purpose of this article is to analyse the regulatory choices Member States¹⁶ have concerning seafarers’ working time.

2. Competing normativity in regulation 2.3

The misalignment between the ILO and IMO has allowed three different working time norms to coexist within the same regulation. Therefore, Flag States must incorporate normal working time standards (based on the ILO Hours of Work (Industry) Convention 1919, C001) as well as choose between the maritime standards presented in the MLC, 2006 regulation. The applicable standards comprise normal work hours plus limits (either based on hours of work or hours of rest).

The three bullets below shortly name (in bold) and describe the various standards available to States in Regulation 2.3:

- **The ‘normality standard’ (48 hours of work):** Standard A2.3 confirms the existence of a ‘normal working hours’ standard’, resulting from ILO Conventions adopted in 1919 and

10. Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time, *OJ* [1993] L 307/18.

11. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, *OJ* [1989] L 183/1.

12. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, *OJ* [2003] L 299/9.

13. Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive, *OJ* [2000] L 195/41.

14. *OJ* [1999] L 167/33. This Directive includes, as an Annex, the European Agreement on the organisation of working time of seafarers.

15. *OJ* [2017] L 25/12.

16. In the following sections of the paper, the ILO terminology (Member State) and IMO terminology (Flag State) are alternatively used to identify the ship regulating authority.

1921 for ‘*other workers*’ (establishing the eight-hour workday and one-day-off reference system). Standard A2.3, para. 3 stresses that ‘Each Member acknowledges that the normal working hours’ standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays’. This paragraph reflects the intention of the regulation, assimilating seafarers with shore workers. Additionally, the ‘normal working hours’ standard’ also ‘relates in a large part to the question of overtime payment’.¹⁷ This paragraph offers a direction, which is completed with the choice of expected ‘hard limits’ on maximum hours of work or minimum hours of rest.

- **The ‘compromise standard’ (72 hours of work):** The ‘maximum hours of work’ Standard A2.3, para. 5(a) sets boundaries based on hours of work, highlighting that ‘maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period’. Adapting the IMO daily minimum rest hours into hours of work, the ILO established the possibility of a 14-hour workday. While the daily standard mimics the IMO limit, the weekly standard deviates from IMO limits and ILO-established principles by proposing an ‘in-between’ of 72 hours of work per week.
- **The ‘maximisation standard’ (91 hours of work):** The ‘minimum hours of rest’ Standard A2.3, para. 5(b) represents an intended alignment between ILO and IMO standards. Daily and weekly standards are identical in both the STCW 1978, as amended, and the MLC, 2006, Standard A2.3, para. 5 (b), which requires a minimum of ten hours of rest per 24 hours and 77 hours of rest per week, equivalent to 91 hours of work per week. In line with IMO standards, this third standard type significantly deviates from ILO working time reference standards, allowing up to 91 hours of work per week.

The ‘normal working hours’ standard’ recalls that universal principles still exist (at least on paper). The ‘compromise standard’ confirms the possibility of negotiations between social partners. The ‘maximisation standard’ represents an industry-inspired option aimed at preserving the *status quo* by allowing very long working hours.

When enacting regulations, authorities must consider three standards, compelling them to tailor their rules to national interests and perspectives. Regulators are invited to ‘acknowledge’ (Standard A2.3, para. 3) the ‘normality standard’ while integrating ‘compromised’ or ‘maximised’ boundaries. These boundaries represent absolute limits to working time for sea workers.

2.1 Ignoring the normality

A first paradox emerges in the text. The IMO-inspired standards (A2.3, para. 5) undermine the ‘normality standard’, which is transformed into a mere intention. Only limits really matter, and the text confirms it. Indeed, Standard A2.3, para. 2 stresses that Member States shall ‘fix either a maximum number of hours of work [...], or a minimum number of hours of rest [...]’. The regulation only acknowledges the ‘normality standard’ without demanding it. As the ILO Handbook on MLC, 2006 implementation notes, the ‘normality standard’ relates to overtime more than protection against long hours of work.

Consequently, Member States can ignore the intention in terms of daily and weekly periods of work as long as they regulate either ‘maximum hours of work’ or ‘minimum hours of rest’.

17. ILO. *Handbook Guidance on Implementing the Maritime Labour Convention, 2006 - Model National Provisions (2nd Impression)*; 2014.

2.2 Negotiated standards vs. industry practice

Regulation 2.3 contains another surprise. While daily maximum hours of work and minimum hours of rest standards converge, weekly standards notably diverge. While Standard A2.3, para. 5(a) allows for a maximum of 72 hours of work per week (equivalent to 96 hours of rest), Standard A2.3, para. 5(b) prescribes a minimum of 77 hours of rest, resulting in a maximum of 91 hours of work per week. It means that selecting the minimum hours of rest, Standard A2.3, para. 5(b) allows seafarers to work up to 19 hours more per week than the standards based on maximum hours of work.

In short, the minimum hours of rest standards represent a *status quo* standard fabricated to satisfy employers and officialise current working time practices in the shipping industry. In this respect, a recent study has confirmed that only 10.4% of seafarers benefit from having one day off per week, and 53.3% of them work, on average, more than 72 hours per week, including 11.7% who work more than 91 hours.¹⁸ The data confirms previous research, which suggests that shipping practices ignore the universal right to decent working time (set at 48 hours per week by the ILO)¹⁹ and the ‘compromise standard’ of 72 h of work per week.²⁰

2.3 Legalising the two-watch system

The shipping industry practices inform the design of regulations. The preservation of the *status quo* and established paradigms drive regulatory development as suggested by the ‘maximisation standard’. Indeed, this standard is the only pragmatic option that perpetuates the two-watch system and hinders modifications to crewing levels. The two-watch system divides the crew with watching duties into two groups, each taking turns standing watch, typically for six hours on and six hours off, although other schedules may be possible (e.g., 12 hours on, 12 hours off; eight hours on, eight hours off). The two-watch system is ‘inherently unsafe’ by highlighting that ‘[...] where a company applies for, and an Administration approves the implementation of a 6 h-on/6 h-off Master/Chief Mate watchkeeping system for a particular vessel, this generally compromises the requirements of resolution A.890(21) on Principles of safe manning and of clause 6.1.3 of the International Safety Management (ISM) Code. The effect of this is that the master of the vessel cannot stay within his/her hours of rest and work while safely carrying out his/her obligations in respect to keeping a proper watch (STCW Code, section A-II/I) and complying with all other administration and company-imposed duties.’²¹

18. Bhatia BS, Baumler R, Carrera-Arce M, Manuel M, Bartuseviciene I. *Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours.*; 2024. doi:10.21677/240201.

19. ILO. *Measurement of Decent Work Discussion Paper for the Tripartite Meeting of Experts on the Measurement of Decent Work.*; 2008.

20. Mansyur M, Sagitarsi R, Wangge G, Sulistomo AB, Kekalih A. Long working hours, poor sleep quality, and work-family conflict: determinant factors of fatigue among Indonesian tugboat crewmembers. *BMC Public Health*. 2021;21(1):1832. doi:10.1186/s12889-021-11883-6; Cole-davies V. FATIGUE, HEALTH AND INJURY OFFSHORE: A SURVEY. In: *Contemporary Ergonomics* 2001. CRC Press; 2001:556–564. doi:10.1201/b12798-76; McNamara R, Allen PH, Wellens B, Smith AP. Fatigue at sea: Amendments to working time directives and management guidelines. In: *Contemporary Ergonomics* 2005. Taylor & Francis; 2005:568–572. doi:10.1201/9781003419969; Hjorth F. *Arbetstider Och Arbetsvillkor Ombord På Två-Navigatörsfartyg: En Studie Av Fartyg i Östersjöfart Med Enbart Befälhavare Och Endestyman Som Nautisk Kompetens Ombord.*; 2008; Uğurlu Ö. A case study related to the improvement of working and rest hours of oil tanker deck officers. *Marit Policy Manag*. 2016;43(4):524–539. doi:10.1080/03088839.2015.1040476.

21. IMO. *Minimum Manning and Seafarer Fatigue. Submitted by the Nautical Institute (NI) and InterManager. HTW 3/7.*; 2015.

Far from being benign, this point is essential to understanding working time standards in the shipping industry. Indeed, past regulatory attempts, based on an eight-hour workday, explicitly aimed to ban two-watch systems.²² However, with the possibility of seafarers working 14-hour workdays, the two-watch system is officialised despite being frequently questioned for its impact on fatigue and safety.²³ The current legality of the two-watch system depends on the stability of IMO minimum hours of rest standards, vehemently defended by shipowner groups at IMO and ILO.

2.4 Regulation 2.3: Normativity models


The Table 1 summarises the working time normativity models permitted in Regulation 2.3. Their significance regarding labour/capital impacts, governance implications, alignment with current shipping industry practices and compatibility with the two-watch system is also detailed.

2.5 Revealing national priorities

Researchers and non-governmental organisations (NGOs) have consistently highlighted the disproportionate influence of industry stakeholders within the IMO, suggesting a pattern of regulatory capture—a phenomenon also observed at the ILO.²⁴ The social dialogue instituted at the EU level shares this criticism by not questioning the *status quo* in the legislation created by both organisations. Neither Directive 1999/63 nor 2017/159 seeks to improve the minimum standards enshrined in the MLC, 2006 and C188. The same applies to other Directives introduced to implement both Conventions.²⁵ While the EU has been criticised in general for endangering the role of the IMO as a global standard-setting institution by introducing their own standards

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22. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101; IMO. *STCW 1978 Including 2010 Manila Amendments*. IMO-London.; 2017.
 23. IMO. *Minimum Manning and Seafarer Fatigue. Submitted by the Nautical Institute (NI) and InterManager*. HTW 3/7.; 2015.; IMO. *Revision of the Guidelines on Fatigue. Analysis of the Conditions Relating to the Compliance with Resting Time for Watchkeepers – Case of General Cargo Using the Two-Watch System Submitted by France. Paper HTW 3/INF.8.*; 2015; Project MARTHA. *Project MARTHA - The final report. Your Research Project*. Published online 2017. doi:10.4324/9780203430491_chapter_8.
 24. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101; Baumler R, Carrera Arce M, Pazaver A. Quantification of influence and interest at IMO in Maritime Safety and Human Element matters. *Mar Policy*. 2021;133(February):104746. doi:10.1016/j.marpol.2021.104746; Transparency International. *Governance at the International Maritime Organization: The Case For Reform.*; 2018; Psarafitis HN, Kontovas CA. Influence and transparency at the IMO: the name of the game. *Maritime Economics and Logistics*. 2020;22(2):151–172. doi:10.1057/s41278-020-00149-4; Cariou P, Randrianarisoa LM. Stakeholders' participation at the IMO marine environmental protection committee. *Mar Policy*. 2023;149:105506. doi:10.1016/j.marpol.2023.105506.
 25. Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC, *OJ [2009] L 124/30*; Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag state responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006, *OJ [2013] L 329/1*; Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control, *OJ [2013] L 218/1*.

Table 1. Summary of the three normativity models and impacts.

| Regulatory proposals guiding national regulations | Governance meaning ⁱ | Alignment with practice (verified via recent research) ⁱⁱ | Possibility of a two-watch system | More favourable to workers |
|--|---|---|--|---|
| The 'normal working hours' standard is based on an eight-hour workday reference system with one day off per week, consequently limiting the workweek to 48 hours. (The 'normality standard') | States consider seafarers as other workers and comply with the ILO's decent working time standards. | 7.2% of seafarers declare working eight hours or less per day, and 7.4% work 48 hours or less per week. | This standard does not allow ships to operate on a two-watch system. |  |
| The 'maximum hours of work' standard signifies the possibility of 14-hour workdays, but is based on the weekly standard of 72 hours. This number means either a 12-hour workday and one full day off or 10 hours and 17 minutes over a seven-day period. (The 'compromise standard') | State negotiations confirm seafarers as distinct workers, but propose a compromise. However, standards violate the decent working time principle. | 46.7% of seafarers work 72 hours or fewer per week. | This standard does not allow ships to operate on a two-watch system. | |
| The 'minimum hours of rest' standard, meaning in hours of work a 14-hour workday and 91-hour workweek, and aligning with the IMO approach to fatigue mitigation. (The 'maximisation standard') | States adhere to IMO standards, preserving the shipping industry's <i>status quo</i> and allowing very long hours, violating the decent working time principle. | 53.3% of seafarers work on average more than 72 hours per week. 11.7% of seafarers work over 91 hours per week. | This standard is the only one allowing the perpetuation of a two-watch system and, therefore, not employing additional crew members. | More favourable to employers |

Notes:

i. ILO, Measurement of Decent Work Discussion Paper for the Tripartite Meeting of Experts on the Measurement of Decent Work; 2008.

ii. Bhatia BS, Baumler R, Carrera-Arce M, Manuel M, Bartuseviciene I. Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours.; 2024. doi:10.21677/240201.

in maritime matters,²⁶ this has not occurred for labour matters, even though both, IMO and ILO Conventions set minimum standards with the aim of levelling the playing field and leaving room for the pursuit decent working and living conditions on board. More specifically, Standard A2.3, para. 4 of the MLC, 2006 indicates that: ‘In determining the national standards, each Member shall take account of the danger posed by the fatigue of seafarers, especially those whose duties involve navigational safety and the safe and secure operation of the ship’. Such consideration has not been undertaken by the EU social partners, who have only repeated the standards in the Convention and have left the decision up to EU Flag States.

Studying the Flag States’ regulatory choices when incorporating an international instrument that displays competing norms can reveal power balances and priorities. Do national regulators want to protect seafarers’ occupational health and safety by reducing their working time, or do they support labour intensification?

While some researchers argue that most Flag States tend to opt for provisions based on ‘hours of rest’,²⁷ a systematic analysis is lacking. The study intends to fill this gap through a review of Flag State preferences, along with a discussion of their implications.

Central to this research is the data collection, which focuses on the practical evidence contained in national laws or the Declaration of Maritime Labour Compliance (DMLC) Part I. This latter document is required by the MLC, 2006 to facilitate implementation and demonstrate compliance (Standard A5.1.3, para. 12). In the declaration, Flag States document ‘the national requirements embodying the relevant provisions of [the] Convention by providing a reference to the relevant national legal provisions [...]’ (A.5.1.3, para. 10(a)). Additionally, ship-owners must detail ‘the measures adopted to ensure ongoing compliance with the national requirements’ in DMLC Part II.²⁸

3. Methods

Finding objective evidence of Flag State decision-making when ‘effectively exerci[sing] its jurisdiction and control in administrative, technical and social matters over ships flying its flag’, as stated by the United Nations Convention on the Law of the Sea (UNCLOS Article 94), requires the collection of relevant data. For parties to the MLC, 2006, the DMLC Part I provides such evidence when available. When the DMLC Part I has not been obtained or has been deemed unclear, the national law has been explored instead or in addition to it. For non-parties to MLC, other sources of data have been used.

The study focuses on the top 35 Flag States identified by the United Nations Conference on Trade and Development (UNCTAD), because they account for 94.1% of the world’s tonnage.²⁹ Additionally, the study includes the 27 EU Member States (14.2% of the world’s tonnage) to

26. Carballo Piñero L, Mejia Jr MQ. Introduction to the law and practice of the International Maritime Organization. In: Carballo Piñero L, Mejia Jr MQ, eds. *The Elgar Companion to the Law and Practice of the International Maritime Organization*. Edward Elgar Publishing Ltd; 2024:1–14.

27. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101; Bhatia BS, Baumler R, Carrera-Arce M, Manuel M, Bartuseviciene I. *Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours.*; 2024. doi:10.21677/240201.

28. ILO. *Maritime Labour Convention, 2006. International Labour Conference.*; 2006.

29. Based on the United Nations Conference on Trade and Development (UNCTAD) 2023 report; UNCTAD. *Review of Maritime Transport.*; 2023.

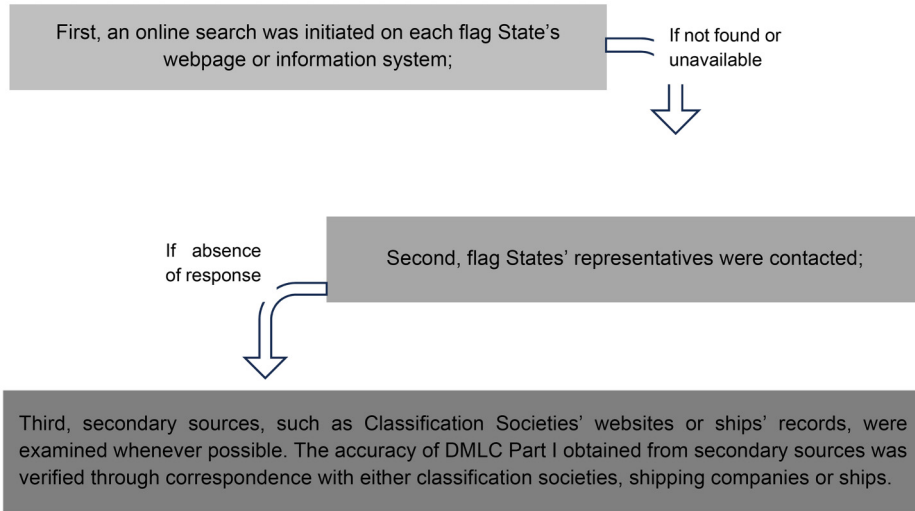


Figure 1. Research methodology.

complement the dataset. This inclusion is deemed justified because the EU region is recognised for its coordinated approach and progressive labour policies, especially on working time, as highlighted in the ILO General Survey on Working Time.³⁰

A sequential and systematic approach has been followed to gather national law or DMLC Part I (Figure 1).

Another approach to investigating Flag State preferences could involve directly examining the shipboard working arrangements, which detail the ‘maximum hours of work or the minimum hours of rest required by national laws or regulations or applicable collective agreements’ (Standard A2.3, para. 10[b]). However, such an examination would have to be carried out at individual ship level and would require data collection across multiple ships to be representative.

4. Results

The tables (Table A1, Table A2) in the Appendix present the research outcomes for the 35 targeted countries and the 27 EU Member States that are parties (plus 3 European Economic Area [EEA] countries)³¹ to the MLC, 2006. In total, the data covers 52 Member States.

The following findings are noteworthy:

- The ‘**minimum hours of rest**’ standard overwhelmingly applies. Twenty-six (26) States, representing 88.2% of the world’s tonnage, opt for hours of rest limits.

30. ILO. Ensuring decent working time for the future. General Survey concerning working-time instruments. Report III (Part B) International Labour Conference 107th Session. In: International Labour Organization; 2018.

31. In Table A2, all 30 EEA Member States were considered; however, only 27 were analysed, as Austria, the Czech Republic, and Liechtenstein were excluded for not ratifying the MLC, 2006.

- On **combined standards**, six countries (i.e., Cameroon, Germany, Iceland, the Philippines, Portugal, and the Russian Federation), accounting for 2.6% of the world's tonnage, opted for both 'hours of work' and 'hours of rest'. These countries show their singular interpretation of the requirement to 'fix either a maximum number of hours of work [...], or a minimum number of hours of rest [...]' (A2.3, para. 2). For example, the Portuguese registry allows decisions to base the work of seafarers on hours of work or hours of rest to be made 'by means of the collective agreement or the employment agreement or, in their absence, by the shipowner'. Germany permits shipowners to set requirements based on operational needs. Specifically, hours of rest are mandated for ships calling at multiple ports in a short sequence (less than 36 hours), while hours of work apply otherwise.³² This suggests that Germany has integrated the shipowners' request to perpetuate the two-watch system. In 2019, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) indicated that States need to choose one standard. The CEACR has direct requests to several countries, and noted in one such request to a Member State in 2020 that '[...] this provision should not be interpreted as to giving ship-owners the choice of regimes concerning maximum hours of work or minimum hours of rest,' requesting the Government to fix it in accordance with Standard A2.3, para. 2 of the Convention.³³
- '**Maximum hours of work**' have been selected by a single country (and three EEA countries described below). Japan (1.8% of the world's tonnage) stands out in prioritising hours of work and setting a maximum limit of 72 hours per workweek for seafarers. Therefore, it is expected that the national fleet operating in international waters bans the two-watch system. However, domestic fleets can be subject to other forms of regulation.
- **Countries not party to the MLC, 2006** usually comply with STCW 78 standards as amended, included in Section A-VIII/1, which allow for a 91-hour workweek and, under certain conditions, a workweek of up to 98 hours. While Türkiye appears to be strictly applying the IMO standards on hours of rest, Saudi Arabia and the United States have complemented the STCW 78, as amended, with their own standards. The United States combines the provisions of the STCW 78 as amended (on rest hours) with national provisions for watchkeepers (on working time). Saudi Arabia, which is a party to the STCW 78 as amended, applies hours of rest and includes reference to working time limitations.
- On **EU/EEA-specificities**, while working time for EU citizens remains in practice between 36.4 hours and 38.7 hours per week,³⁴ seafarers working on EU-flagged ships may work up to 91 hours per week, suggesting a significant gap exists between what is acceptable at sea and onshore. Among the EEA States, only three countries opt for hours of work (i.e., Spain, first registry of France, and Poland).

32. ILO. *Direct Request (CEACR) - Adopted 2019, Published 109th ILC Session (2021)*.; 2021.

33. ILO. *Direct Request (CEACR) - Adopted 2020, Published 109th ILC Session (2021)*.; 2020; ILO. *Direct Request (CEACR) - Adopted 2023, Published 112nd ILC Session (2024)*.; 2023. doi: https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4378827,102815:NO

34. ILO. Ensuring decent working time for the future. General Survey concerning working-time instruments. Report III (Part B) International Labour Conference 107th Session. In: International Labour Organization; 2018.

5. Discussion

The unequivocal prevalence of the ‘maximisation standard’ reveals a striking alignment between Flag States and capital interests. Worldwide, countries have normalised profit-driven standards, even in the face of basic scientific evidence on working time and fatigue in transportation and the safety and health impacts.³⁵

Indeed, the proposals intended to mitigate or address the detrimental effects of very long hours on bodies and minds are either neglected or denied to seafarers. The data explicitly show that the sector disregards the possibility of introducing a 72-hour workweek and denies the possibility of a standard 48-hour workweek both in theory and practice. Supporting past research, a recent survey on seafarer working time confirms that, with a daily average of 11.5 hours and a weekly average of 74.9 hours, the persistence of very long working hours in the shipping industry remains.³⁶

Certain countries or regions, noting the contradiction between their commitment to labour protection and their actions, strive to reconcile both on paper. For example, Directive 1999/63/EC on the working time of seafarers mimics the C180, which was later integrated into the MLC, 2006. After recalling the normal working hours’ standard (eight hours of work per day and one day off), the Directive sets the genuine limits at 14 hours per day and 91 hours per week. The same applies to Art. 21 of Directive 2003/88 and Art.11 of Directive 2017/159 on working time in fishing. In addition to the particularities of work at sea, the choices made in the Directives prioritises the objective of ensuring fair competition among shipowners, i.e., assuming that reducing hours of work on board EU-flagged vessels will undermine their competitiveness and thus trigger re-flagging.

Such an approach also deprives sea workers on board EU vessels of the opportunity to discuss the quality of their rest periods on board. The distinction between working time and rest periods is common to all the aforementioned Directives, these definitions having been construed as autonomous concepts of EU law. In this vein, the EU characterisation of time as work depends on three conditions: (1) the worker must be ‘at work’, (2) he or she must be at the employer’s disposal, and (3) he or she must be carrying out his or her activity or duties.³⁷ Time outside work as just defined is a rest period.

The Court of Justice has also had the opportunity to address the concept of rest periods in the context of stand-by duty, a period during which the worker is on-call either at the workplace or elsewhere, with specific obligations such as reporting to work within an established period of time - the question being whether such periods are to be considered working time or rest periods. Accordingly,

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35. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101; Baumler R, Manuel ME. The Development of the Maritime Rest/Work Hours Regime: The Normalization of Deviance. In: Mukherjee PK, Xu J, Mejia Jr MQ, eds. *Maritime Law Perspectives Old and New, Volume II*. Nova Science Publishers; 2023; Anund A, Fors C, Kecklund G, Leeuwen W, Åkerstedt T. *Countermeasures for Fatigue in Transportation: A Review of Existing Methods for Drivers on Road, Rail, Sea and in Aviation.*; 2015; Jones CB, Dorrian J, Rajaratnam SMW, Dawson D. Working hours regulations and fatigue in transportation: A comparative analysis. *Saf Sci*. 2005;43(4):225–252. doi:10.1016/j.ssci.2005.06.001.
36. Bhatia BS, Baumler R, Carrera-Arce M, Manuel M, Bartuseviciene I. *Quantifying an Inconvenient Truth: Revisiting a Culture of Adjustment on Work/Rest Hours.*; 2024. doi:10.21677/240201.
37. See C-266/14, *Federación de Servicios Privados del sindicato Comisiones obreras*, EU:C:2015:578, para. 25 and the case-law cited.

while in the first case stand-by duty was classified as working time by the Court of Justice,³⁸ the second case gave rise to case law pointing towards a case-by-case examination of whether there are ‘constraints that objectively and very significantly limit the employee’s right to control his/her own time’.³⁹ Should the answer be positive, stand-by time will be regarded as working time.

The background of these discussions is that the worker’s safety and health should play a critical role in the organisation of working time, which should not be subordinated to purely economic considerations.⁴⁰ Interestingly, Advocate General Eleanor Sharpston went as far as to propose measuring rest periods in accordance with their quality, and thus considering all that do not meet a certain standard as working time.⁴¹ While not accepted by the Court of Justice, the High Court nevertheless pointed out that stand-by duty might imply a work arrangement which ‘very significantly restricts worker’s opportunities for other activities’,⁴² and thus should be considered working time.

The latter is not the case for sea workers, taking into consideration the fact that the Court of Justice has also concluded that ‘where, due to the very nature of the workplace, the worker does not in practice have a realistic option of leaving that place after having completed his or her working hours, only those periods during which he or she remains subject to objective and very significant constraints, such as the obligation to be immediately available to his or her employer, must automatically be classified as ‘working time’ within the meaning of Directive 2003/88, to the exclusion of periods during which the impossibility of leaving his or her workplace is not the result of such an obligation but solely due to the particular nature of that place’.⁴³ However, the fact that they necessarily remain at the workplace, along with the seriously limited opportunities for other activities, should be compounded with the exceedingly high number of working hours to assess whether sea workers are effectively rested or not.

Enacting such regulations not only neglects science but also downgrades the humanity of sea workers, sending them the message that they do not deserve decent working conditions. In this respect, the 2008 ILO report on measurement of decent work underlines that decent working time indicators consider excessive working time to be above 48 hours and 60 hours.⁴⁴ The report also recalls that ‘[e]xcessive and atypical hours of work are a threat to physical and mental health, interfere with the balance between work and family life, and often signal an inadequate hourly pay’.

The permissive approach to seafarers’ working time inherently raises questions in respect of regulators’ objectives as it, in practice, exempts maritime employers from adhering to working time

38. See C-303/98, *Sindicato de Médicos de Asistencia Pública (Simap) v. Conselleria de Sanidad y Consumo de la Generalidad Valenciana*, ECLI: EU: C:2000:528; Case C-151/02, *Landeshauptstadt Kiel v Norbert Jaeger*, ECLI: EU:C:2003:437.

39. See C-518/15 *Ville de Nivelles v Rudy Matzak*, ECLI: EU: C:2018:82; C-344/19, *D.J. v. Radiotelevizija Slovenija*, ECLI: EU:C:2021:182; case C-580/19 *Stadt Offenbach am Main*, ECLI:EU:C:2021:183; case C-107/19, *Dopravní podnik hl. m. Prahy*, ECLI:EU:C:2021:722; and case C-214/20, *Dublin City Council*, ECLI:EU:C:2021:909; Mitros L. Potential implications of the Matzak judgment (quality of rest time, right to disconnect). *Eur. Labour Law J.* 2019;10(4): 387. DOI: 10.1177/2031952519886149; Mitros L. Defining working time versus rest time: An analysis of the recent CJEU case law on stand-by time. *Eur. Labour Law J.* 2023;14(1): 35. DOI: 10.1177/20319525221141622.

40. See C-151/02, *Jaeger*, EU:C:2003:437, paras. 66 and 67.

41. See Opinion of Advocate General Sharpston, Case C-518/15, *Ville de Nivelles v Rudy Matzak*, ECLI:EU:C:2017:619, para. 57.

42. See C-518/15 *Ville de Nivelles v Rudy Matzak*, ECLI:EU: C:2018:82, paragraph 66.

43. See C-344/19, *D.J. v. Radiotelevizija Slovenija*, ECLI:EU:C:2021:182, paragraph 44.

44. ILO. *Measurement of Decent Work Discussion Paper for the Tripartite Meeting of Experts on the Measurement of Decent Work.*; 2008.

regulations that apply elsewhere. Worryingly, enabling excessively long working hours undermines the universality of working time.

When the ILO enacts a 14-hour workday for seafarers (and fishers), it violates its own reference standards with possible long-term consequences:

- First, universal principles (such as the eight-hour workday and one-day-off reference system) and the commitment to providing ‘humane conditions of labour’ (as stated in the preamble of the ILO Convention) are distorted for sea workers. Is it a sign of crisis, ignorance or bureaucratic drift?
- Second, maritime governance proves ill-adapted to advance basic labour rights at sea. It appears that international structures, long-term sectoral isolationist politics, and tonnage lock have strengthened the structural power of shipowners, hindering the emergence of progressive labour regulations.
- Third, enacting downgraded labour standards targeting certain populations officialises discrimination. Allowing for standards that are beyond human capacity, such as 14-hour workdays and 91-hour workweeks, extracts seafarers from ‘normal’ humanity.
- Fourth, regulatory developments have proven to be scientifically ungrounded and have been unable to achieve their claimed objectives of mitigating fatigue.⁴⁵ Maritime regulations are often reactive and negotiated between peers to preserve capital interests.

Labour regulations are normally intended to protect the body and mind of workers from deleterious working conditions, including overwork. Today’s maritime evidence shows that this is not the case for seafarers. Furthermore, labour law history indicates that improvements in working conditions require state arbitration and enforcement of regulations. When States align with the interests of capital and abandon essential principles, harmful regulations inevitably emerge.

In a capitalist society, where workers are subjugated to the decisions and organisations of employers,⁴⁶ the idea that shipowners will spontaneously choose to protect seafarers from the risks of long working hours seems both naïve and insincere, particularly in a sector known for commodifying labour in a global market.⁴⁷

6. Conclusion

First, the study evidences a concerning trend: Flag States, both EU and non-EU, tend to adopt the lowest permissible regulatory standards for working time. The systemic prioritisation of lax standards, which legitimise working hours for seafarers that far exceed those deemed acceptable in

45. Baumler R. Working time limits at sea, a hundred-year construction. *Mar Policy*. 2020;121. doi:10.1016/j.marpol.2020.104101; Baumler R, Manuel ME. The Development of the Maritime Rest/Work Hours Regime: The Normalization of Deviance. In: Mukherjee PK, Xu J, Mejia Jr MQ, eds. *Maritime Law Perspectives Old and New, Volume II*. Nova Science Publishers; 2023; Anund A, Fors C, Kecklund G, Leeuwen W, Åkerstedt T. *Countermeasures for Fatigue in Transportation: A Review of Existing Methods for Drivers on Road, Rail, Sea and in Aviation.*; 2015; Jones CB, Dorrian J, Rajaratnam SMW, Dawson D. Working hours regulations and fatigue in transportation: A comparative analysis. *Saf Sci*. 2005;43(4):225–252. doi:10.1016/j.ssci.2005.06.001.

46. Supiot A. From subordination to programming: The deadlocks of labour governance by numbers: Keynote address at the Tenth Accounting History International Conference. *Accounting History*. 2022;27(2):194–199.

47. Campling L, Colás A. Maritime Labour Regimes in the Neoliberal Era. *Development*. 2023;66(1):65–75.

shore-based industries, illustrates a serious power imbalance between social partners and the acceptance of regulations that are not scientifically grounded and claimed to mitigate fatigue.

Second, the normal working hours' standard, unusually applied to seafarers (and fishers) at the international, EU and national levels, suggests that they belong to a distinct group, as they are expected to accept working conditions that are deemed harmful and dangerous for any other human being.

Finally, the existence of such ILO standards contradicts the core principles of the organisation, which calls into question its maritime machinery and capacity to protect workers at sea.

If progress is expected, the following points need to be addressed:

- confirming and applying the universal social and human rights to sea workers;
- acknowledging sea workers' humanity by preventing any discriminatory regulation and verifying the adequacy of current labour laws at international, regional and national levels;
- developing scientifically informed regulations and verifying the coherence of regulations in their capacity to achieve their objectives;
- reviewing ILO and IMO maritime governance to restrict excessive structural power and constructing a maritime sector as a public good.

CRediT roles

Raphaël Baumler: Supervision, Writing original draft. Bikram Singh Bhatia: Conceptualisation, Methodology, Investigation, Formal analysis, Writing original draft. Maria Carrera Arce: Supervision, Investigation, Formal analysis, Writing: review & editing. Laura Carballo Piñeiro: Writing: review & editing.


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Appendix

Table A1. Hours of work and rest Flag States' preferences- top 35 Flag States.

| No. | Flag State | Share of world deadweight (%) | Hours of work | | Hours of rest Standard A2.3, para. 5(b) | Retrieved source for DMLC Part I or other data source | Verification if indirect evidence | Remarks |
|-----|--|-------------------------------|---------------------------|---------------|---|---|-----------------------------------|---------|
| | | | Standard A2.3, para. 5(a) | Or equivalent | | | | |
| 1 | Liberia ⁱ | 16.6 | X | | ✓ | Flag State | - | |
| 2 | Panama ⁱⁱ | 16.1 | X | | ✓ | Flag State | - | |
| 3 | Marshall Islands ⁱⁱⁱ | 13.2 | X | | ✓ | Flag State | - | |
| 4 | Hong Kong, China ^{iv} | 8.8 | X | | ✓ | Flag State | - | |
| 5 | Singapore ^v | 5.9 | X | | ✓ | Flag State | - | |
| 6 | China ^{vi} | 5.5 | X | | ✓ | Flag State | - | |
| 7 | Malta ^{vii} | 4.8 | X | | ✓ | Flag State | - | |
| 8 | Bahamas ^{viii} | 3.2 | X | | ✓ | Flag State | - | |
| 9 | Greece ^{ix} | 2.6 | X | | ✓ | Classification Society and National Law | Ship | |
| 10 | Japan ^x | 1.8 | ✓ | | X | Flag State | - | |
| 11 | Cyprus ^{xi} | 1.4 | X | | ✓ | Flag State | - | |
| 12 | Indonesia ^{xii} | 1.3 | X | | ✓ | Flag State | - | |
| 13 | International Shipping Register of Madeira ^{xiii} | 1.2 | ✓ | | ✓ | Flag State | - | |
| 14 | Danish International Register of Shipping ^{xiv} | 1.1 | X | | ✓ | Flag State | - | |
| 15 | Norwegian International Ship Register ^{xv} | 0.9 | X | | ✓ | Flag State | - | |

(continued)

Table A1. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard | | Hours of rest Standard A2.3, para. 5(b) Or equivalent | Retrieved source for DMLC Part I or other data source | Verification if indirect evidence | Remarks |
|-----|---|-------------------------------|--------------------------------|--------------------------------|---|---|---|---------|
| | | | A2.3, para. 5(a) Or equivalent | A2.3, para. 5(b) Or equivalent | | | | |
| 16 | Islamic Republic of Iran ^{xvi} | 0.9 | X | ✓ | Classification Society | Ship | | |
| 17 | Isle of Man ^{xvii} | 0.9 | X | ✓ | Flag State | - | | |
| 18 | Republic of Korea ^{xviii} | 0.8 | X | ✓ | Flag State | - | | |
| 19 | India ^{xix} | 0.8 | X | ✓ | Flag State | - | | |
| 20 | Saudi Arabia ^{xx} | 0.6 | ✓ | NA | NA | - | Saudi Arabia has not ratified MLC but limits hours of work to 72 hours, seemingly aligning with MLC, 2006, Reg 2.3, 5(a). USA has not ratified, but is party to the STCW 78 as amended. The Code of Federal Regulations s.15.1111 on work hours and rest periods includes STCW 78 as amended limits '(1) A minimum of 10 hours of rest in any 24-hour period; and (2) 77 hours of rest in any 7-day period' and includes various provisions limiting working time for watchkeepers. | |
| 21 | United States of America (USA) ^{xxi} | 0.6 | X | ✓ | Flag State | - | | |

(continued)

Table A1. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard | | Hours of rest Standard | Retrieved source for DMLC Part I or other data source | Verification if indirect evidence | Remarks |
|-----|-------------------------------------|-------------------------------|-----------------------------------|-----------------------------------|------------------------|---|-----------------------------------|--|
| | | | A2.3, para. 5(a) Or equivalent | A2.3, para. 5(b) Or equivalent | | | | |
| 22 | Vietnam ^{xxii} | 0.5 | X | ✓ | ✓ | Flag State | - | DMLC Part I states: hours of work or rest (Regulation 2.3). Then a decree 121/2014/ND-CP is used that translates the MLC, 2006 regulation for Vietnamese national ships. |
| 23 | Russian Federation ^{xxiii} | 0.5 | ✓ | ✓ | ✓ | Classification Society | - | |
| 24 | United Kingdom ^{xxiv} | 0.5 | X | ✓ | ✓ | Flag State | - | |
| 25 | Malaysia ^{xxv} | 0.4 | X | ✓ | ✓ | Flag State | - | |
| 26 | Belgium ^{xxvi} | 0.4 | X | ✓ | ✓ | Flag State | - | |
| 27 | Italy ^{xxvii} | 0.4 | X | ✓ | ✓ | Flag State | - | |
| 28 | Germany ^{xxviii} | 0.3 | ✓ | ✓ | ✓ | Flag State | - | The hours of rest requirement applies to ships calling at several ports in a short sequence (less than 36 hours between the seaward positions for pilot transfer for restricted waters). After the ship has left the area with short sequences of port calls, and if a collective bargaining agreement or company or shipboard agreement does not apply, the hours of work apply in addition to the minimum hours of rest. |

(continued)

Table A1. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard | | Hours of rest Standard | Retrieved source for DMLC Part I or other data source | Verification if indirect evidence | Remarks |
|-----|--|-------------------------------|------------------------|---------------|------------------------|---|-----------------------------------|---|
| | | | A2.3, para. 5(a) | Or equivalent | | | | |
| 29 | Cameroon ^{xxix} | 0.3 | ✓ | | ✓ | Flag State | - | DMLC Part I of Bermuda could not be obtained from any available source. However, the documents provide information on Bermuda's preferences. |
| 30 | Bermuda ^{xxx} | 0.3 | X | | ✓ | Flag State | - | |
| 31 | Türkiye ^{xxxi} | 0.3 | X | | ✓ | Shipowners' association | - | Türkiye has not ratified the MLC, 2006. Considering that the country is party to the STCW 78 as amended, the applicable standards are based on hours of rest. |
| 32 | Netherlands ^{xxxii} | 0.3 | X | | ✓ | Flag State | - | |
| 33 | Taiwan Province of China ^{xxxiii} | 0.3 | X | | ✓ | Classification Society | - | |
| 34 | Antigua and Barbuda ^{xxxiv} | 0.3 | X | | ✓ | Flag State | - | |
| 35 | Philippines ^{xxxv} | 0.3 | ✓ | | ✓ | Flag State | - | |
| | | 94.1 | | | | | | |

Notes.

ⁱLiberia Maritime Authority. *Implementation, Inspections and Certification under the Maritime Labour Convention (MLC), 2006*. Marine Notice MLC-001 Rev. 07/20.; 2020; Liberia Maritime Authority. *Terms and Conditions for Employment of Seafarers under the Maritime Labour Convention (MLC), 2006*. Marine Notice MLC-003 Rev.01/21.; 2021.
ⁱⁱPanama Maritime Authority. *Merchant Marine Circular MMC – 268*; Panama Maritime Authority. *Declaration of Maritime Labour Compliance-Part I*; 2025.
ⁱⁱⁱRepublic of Marshall Island. *Minimum Hours of Rest*. Marine Notice 7-05 I-2. Rev. 1/1/3.; 2013; Republic of Marshall Island. *Maritime Labour Convention, 2006 Declaration of Maritime Labour Compliance – Part I*; 2016.

(continued)

Table A1. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard | Hours of rest Standard | Retrieved source for DMLC Part I or other data source | Verification if indirect evidence | Remarks |
|------------------|--|-------------------------------|------------------------|------------------------|---|-----------------------------------|---|
| | | | A2.3, para. 5(a) | A2.3, para. 5(b) | | | |
| | | | Or equivalent | Or equivalent | | | |
| ^{vi} | Hong Kong Special Administrative Region of the People's Republic of China. | | | | | | <i>Declaration of Maritime Labour Compliance - Part I</i> ; 2018. |
| ^{vii} | Maritime and Port Authority of Singapore. | | | | | | <i>Shipping Circular to Shipowners No.4 of 2017/ Rev.1</i> . |
| ^{viii} | The People's Republic of China. | | | | | | <i>Declaration of Maritime Labour Compliance - Part I</i> ; 2024. |
| ^{ix} | Transport Malta | | | | | | <i>Declaration of Maritime Labour Compliance -Part I</i> ; 2024. |
| ^x | The Bahamas Maritime Authority. | | | | | | <i>BMA MLC 2006 as Amended the BMA Approved DMLC Part-II - 2022</i> ; 2022; The Bahamas Maritime Authority. <i>Maritime Labour Convention 2006. Notice to Ship Owners, Managers, Masters, Approved Nautical Inspectors, Recognised Organisations & Surveyors, and Seafarer Recruitment & Placement Providers. Version 1.0</i> ; 2022. |
| ^{xi} | Ministry of Maritime Affairs and Insular Policy of the Hellenic Republic. | | | | | | <i>Declaration of Maritime Labour Compliance - Part I</i> ; 2013; Hellenic Republic. <i>Government Gazette No. 3522.2/08/2013</i> ; 2013. |
| ^{xii} | Ministry of Land-Infrastructure-Transport and Tourism. | | | | | | <i>Declaration of Maritime Labour Compliance Part I</i> ; 2013. |
| ^{xiii} | Republic of Cyprus. | | | | | | <i>Draft Declaration of Maritime Labour Compliance – Part I (form EN08F01)</i> . 2018. https://www.dms.gov.cy/dms/shipping.nsf/all/AB37173CC7B7407BC22583430033C9C0?opendocument |
| ^{xiv} | Ministry of Transportation. | | | | | | Regulation of the Director General of Sea Transportation Number HK. 103-3-13-DJPL-18 concerning Procedures for Issuing Maritime Employment Certificates Concerning Procedures for Issuing Maritime Employment Certificates. Published online 2018. |
| ^{xv} | International Shipping Register of Madeira. | | | | | | <i>Declaration of Maritime Labour Compliance- Part I</i> ; 2021. |
| ^{xvi} | Danish Maritime Authority. | | | | | | <i>Order on Seafarers' Hours of Rest</i> ; 2020; Danish Maritime Authority. <i>Declaration of Maritime Labour Compliance - Part I</i> ; 2014. |
| ^{xvii} | Norwegian Maritime Authority. | | | | | | <i>Declaration of Maritime Labour Compliance - Part I</i> ; 2021. |
| ^{xviii} | Iranian Classification Society. | | | | | | <i>Declaration of Maritime Labour Compliance - Part I</i> ; 2015. |
| ^{xix} | Government of the Isle of Man. | | | | | | <i>Declaration of Maritime Labour Compliance - Part I. Form C-5/1 Nov 2016</i> ; 2018. |
| ^{xx} | Ministry of Oceans and Fisheries. | | | | | | Enforcement Rules of the Seafarers Act. [Appendix Form No. 26] [2006 Maritime Labor Convention] Maritime Labor Declaration of Compatibility - Part I. Published online 2021. |
| ^{xxi} | Directorate General of Shipping. | | | | | | Implementation of the Maritime Labour Convention, 2006 - the inspection and certification of the Maritime Labour conditions of Indian flag Ships - reg. M.S. Notice No. 16 of 2016. Published online 2016. |
| ^{xxii} | Human Resources and Social Development | | | | | | <i>Labour Law Royal Decree No. M/51 September 27, 2005</i> ; 2023. |
| ^{xxiii} | USCC. | | | | | | <i>CH-1 TO GUIDANCE IMPLEMENTING THE MARITIME LABOUR CONVENTION, 2006. NVIC 02-13, COMDTPUB P16700.4</i> ; 2017. |
| ^{xxiv} | Socialist Republic of Vietnam. | | | | | | <i>Detailing Regulations on a Number of Articles of the 2006 Maritime Labor Convention on the Labor Regime of Seafarers Working on Ships. Decree 12/11 2014/ND-CP</i> ; 2014; Government Electronic Information Portal. <i>Consolidated Document No. 1/0/VBHN-BGTVT of the Ministry of Transport: Circular Regulating Procedures for Granting and Revoking the Declaration of Maritime Labor Conformity and the Maritime Labor Certificate</i> ; 2017. doi: https://vanban.chinphu.vn/default.aspx?pagesid=27160&docid=197131 |

(continued)

Table A1. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard A2.3, para. 5(a) | Hours of rest Standard A2.3, para. 5(b) | Retrieved source for DMLC Part I or other data source | Verification if indirect evidence | Remarks |
|---------|---|-------------------------------|---|---|---|-----------------------------------|---|
| xxxiii | Russian | | | | | | Declaration of Maritime Labour Compliance - Part I. 8.5.1-IRU.; 2024. |
| xxxiv | 63. | | | | | | Maritime Coastguard Agency. MSN 1877 (M) Amendment 2 MLC 2006 - hours of work and entitlement to leave, application of the hours of work regulations 2018. 2022. https://www.gov.uk/government/publications/msn-1877-m-maritime-labour-convention-2006-hours-of-work-and-entitlement-to-leave/msn-1877-m-amendment-2-mlc-2006-hours-of-work-and-entitlement-to-leave-application-of-the-hours-of-work-regulations-2018#minimum-h ; Maritime Coastguard Agency. Declaration of Maritime Labour Compliance Part - I. 1110 MSF 2400 V3.0.; 2024. |
| xxxv | | | | | | | Department of Marine Malaysia. Implementation of Maritime Labour Convention 2006 in Malaysia. NPM 07/2013.; 2013. |
| xxxvi | Directorate | | | | | | Belgian Maritime Inspectorate. Declaration of Maritime Labour Compliance – Part I.; (2021). |
| xxxvii | GAZZETTA UFFICIALE DELLA REPUBBLICA ITALIANA. | | | | | | Decreto Legislativo 12 Maggio 2015, n.71 Artt. 15 e 16 Responsabilità Delle Compagnie Di Navigazione e Orario Di Lavoro (Legislative Decree 12 May 2015, n.71 Shipowner's Responsibilities and Hours of Work); 2015; Ministry of Infrastructure and Transport. Maritime Labor Compliance Declaration – Part I.; 2023. |
| xxxviii | Federal Republic of Germany | | | | | | Declaration of Maritime Labour Compliance - Part I. Published online 2016. |
| xxxix | Ministry of transport - Bermuda Maritime. | | | | | | Maritime and Inland Waterways. Declaration of Maritime Labour Compliance. Statement of Compliance.; 2024. |
| xl | Bermuda Maritime. | | | | | | Hours of Work and Rest Requirements. Bermuda Merchant Shipping Notice 2021-002.; 2021; Bermuda Maritime. Guide to the Bermuda flag. Published online 2018. |
| xxli | Presidency of the Republic of Turkey. | | | | | | Regulation for Seamans and Pilot Captains. Official Gazette Number: 30328.; 2018. |
| xxlii | Human Environment and Transport Inspectorate. | | | | | | Declaration of Maritime Labour Compliance – Part I.; 2018. |
| xxliii | CR Classification Society. | | | | | | ROC Declaration of Maritime Labor Compliance (DMLC) – Part I.; 2022. |
| xxliiv | Antigua and Barbuda | | | | | | Department of Marine Services and Merchant Shipping. Declaration of Maritime Labour Compliance – Part I. FO-T/18 - Revision 03 - 28.12.16.; 2016. |
| xxliv | Congress of the Philippines. | | | | | | An act instituting the Magna Carta of Filipino seafarers. Published online 2023; Department of Labor and Employment. Declaration of Maritime Labour Compliance – Part I.; 2018; Department of Migrant Workers. Republic Act No. 12021 Magna Carta of Filipino Seafarers. Implementing Rules and Regulations.; 2025. |

Table A2. Hours of work and rest: Flag State preferences - EEA Flag States

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard A2.3, para. 5(a) 72 h of work weekly | Hours of rest Standard A2.3, para. 5(b) 91 h of work weekly | Retrieved source DMLC Part I | Verified by | Remarks |
|-----|----------------------------|-------------------------------|---|---|------------------------------|--------------|--|
| 1 | Belgium ^{xxxvi} | 0.4 | X | ✓ | Flag State | | DMLC Part I states: hours of work or rest (Regulation 2.3). However, working time standard is extracted from Article 88c (New, SG No. 93/2017) of the Merchant Shipping Code (Title amended, SG No. 113/2002). |
| 2 | Bulgaria | 0.01 | X | ✓ | Flag State | | |
| 3 | Croatia ^{xxxvii} | 0.07 | X | ✓ | Flag State | | Same working time standards apply for National and International Registers. DMLC Part I could not be obtained. However, working time standard is extracted from Specification of Working and Rest Time of the Seafarers Employment Act (11.06.2014). DMLC Part I states: Seamen's Working Hours Act (296/1976), Chapter 4; section 9a. Different working time standards apply, depending on the Register: National register: Hours of work (ferries registered on this standard allow 84 hours weekly); International Register: Hours of work for French residents and hours of rest |
| 4 | Cyprus | 1.4 | X | ✓ | Flag State | | |
| 5 | Denmark | 1.1 | X | ✓ | Flag State | | |
| 6 | Estonia ^{xxxviii} | 0.0 | X | ✓ | National Law | | |
| 7 | Finland ^{xxxix} | 0.05 | X | ✓ | Flag State | National Law | |
| 8 | France ^{xl} | 0.4 | ✓ | ✓ | Flag State | | |

(continued)

Table A2. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard A2.3, para. 5(a) 72 h of work weekly | Hours of rest Standard A2.3, para. 5(b) 91 h of work weekly | Retrieved source DMLC Part I | Verified by | Remarks |
|-----|--------------------------|-------------------------------|--|--|------------------------------|--------------|---|
| 9 | Germany | 0.3 | ✓ | ✓ | Flag State | | for non-residents; Wallis and Futuna Register: Hours of rest. The hours of rest requirement applies to ships calling at several ports in a short sequence (less than 36 hours between the seaward positions for pilot transfer for restricted waters). After the ship has left the area with short sequences of port calls, and if a collective bargaining agreement or company or shipboard agreement does not apply, the hours of work apply in addition to the minimum hours of rest. |
| 10 | Greece | 2.6 | X | ✓ | Classification Society | Ship | Exception: high speed vessels (10 hours of day work maximum). |
| 11 | Hungary | 0.00 | | | | | The DMLC Part I could not be obtained, just one vessel under this register. |
| 12 | Iceland ^{xli} | 0.00 | ✓ | ✓ | | | DMLC Part I states: Working or rest time (Act No. 82/2022, Articles 21 and 22). |
| 13 | Ireland ^{xliii} | 0.02 | X | ✓ | Flag State | | The DMLC Part I states: the Legislative Decreases. |
| 14 | Italy | 0.4 | X | ✓ | Flag State | | DMLC Part I states: National Maritime Code (Part G). In the Latvian Maritime Code both standards are described. |
| 15 | Latvia ^{xliii} | 0.01 | ✓ | ✓ | Flag State | National Law | |

(continued)

Table A2. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work Standard A2.3, para. 5(a) 72 h of work weekly | Hours of rest Standard A2.3, para. 5(b) 91 h of work weekly | Retrieved source DMLC Part I | Verified by | Remarks |
|-----|---------------------------|-------------------------------|---|---|------------------------------|-------------|---|
| 16 | Lithuania ^{xliv} | 0.01 | X | ✓ | Flag State | | |
| 17 | Luxembourg ^{xlv} | 0.06 | X | ✓ | Flag State | | |
| 18 | Malta | 4.8 | X | ✓ | Flag State | | |
| 19 | Netherlands | 0.3 | X | ✓ | Flag State | | |
| 20 | Norway | 0.9 | X | ✓ | Flag State | | |
| 21 | Poland ^{xlvi} | 0.0 | ✓ | X | Flag State | | |
| 22 | Portugal | 1.2 | ✓ | ✓ | Flag State | | DMLC Part I states: The option between the hours of work or hours of rest schedule is made by means of the collective agreement or the employment agreement or, in its absence, by the shipowner. |
| 23 | Romania | 0.0 | | | | | DMLC Part I could not be obtained. |
| 24 | Slovakia | 0.0 | | | | | DMLC Part I could not be obtained, no vessels under this register. |
| 25 | Slovenia | 0.0 | | | | | DMLC Part I could not be obtained, just eight vessels under this register. |
| 26 | Spain ^{xlvii} | 0.08 | ✓ | X | Flag State | Ship | Same working time standards apply for National and International Registers. |
| 27 | Sweden ^{xlviii} | 0.05 14.16 | X | X | Flag State | | |

Notes.

^{xxxvii} Ministry of Transport and Communications MA. Act of 20 November 2002 to Amend and Supplement the Merchant Shipping Code (1.06.2021); 2021; Maritime Administration of Bulgaria. Declaration of Maritime Labour Compliance - Part I; 2013.

^{xxxviii} Ministry of the Sea Transport and Infrastructure. Declaration of Maritime Labour Compliance - Part I.

^{xxxix} Riigi Teataja. Seafarers Employment Act (1.06.2014); 2014.

^{xl} Ministry of Economic Affairs and Employment. Declaration of Maritime Labour Compliance - Part I; 2024; Ministry of Economic Affairs and Employment. Seafarers' Working

(continued)

Table A2. Continued.

| No. | Flag State | Share of world deadweight (%) | Hours of work | Hours of rest | Retrieved source | Verified by | Remarks |
|-----|------------|-------------------------------|---|--|------------------|-------------|---------|
| | | | Standard A2.3, para. 5(a) 72 h of work weekly | Standard A2.3, para. 5(b) 91 h of work weekly | DMLC Part I | | |
| | | | Hours Act (296/1976, Amendments up to 675/2022 Included); 2022. | | | | |
| | | | x ⁱ Ministry for the Ecological Transition, Biodiversity, Forests MA and F. Declaration of Maritime Labour Compliance - Part I (French National Register). Published online 2024; Ministry with responsibility for the sea. Declaration of Maritime Labour Compliance - Part I (French International Register). Published online 2024.; Ministry for the Ecological Transition, Biodiversity, Forests MA and F. Declaration of Maritime Labour Compliance - Part I (Ships registered in Wallis & Futuna). Published online 2024. | | | | |
| | | | x ⁱⁱ Ministry of Infrastructure. <i>Regulations on Working Conditions for Seafarers on Passenger and Cargo Ships.</i> ; 2022; Secretariat of Parliament. <i>Ship Crew Act 2022 No. 82. Article 21 and Article 22.</i> ; 2024. doi: https://www.althingi.is/lagas/nuna/2022082.html | | | | |
| | | | x ⁱⁱⁱ Department of Transport. <i>Declaration of Maritime Labour Compliance – Part I.</i> ; 2024. | | | | |
| | | | x ⁱⁱⁱⁱ Maritime Administration of Latvia. Declaration of Maritime Labour Compliance – Part I; 2024. | | | | |
| | | | x ^{lv} Lithuanian Transport Safety Administration. Declaration of Maritime Labour Compliance- Part I. Published online 2024. | | | | |
| | | | x ^{lvi} The Government of the Grand Duchy of Luxembourg. Ministry of Economy MA. <i>Declaration of Maritime Labour Compliance– Part I.</i> ; 2024. | | | | |
| | | | x ^{lvii} Directorate of the Maritime Office. Declaration of Maritime Labour Compliance – Part I. Published online 2024. | | | | |
| | | | x ^{lviii} Ministry of Labour and Social Security. BOE> No. 230, 26/09/1995. <i>Royal Decree 156/1/1995, of September 21, on Special Working Days.</i> ; 1995; Ministry of Public Works. BOE> Núm. 253, de 20/10/2011. <i>Royal Legislative Decree 2/2011, of September 5, Approving the Revised Text of the Law on State Ports and the Merchant Navy.</i> ; 2011. | | | | |
| | | | x ^{lix} Swedish Transport Agency. <i>Declaration of Maritime Labour Compliance- Part I.</i> ; 2024. | | | | |



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