Regulations of 10 November 2017 No. 1758 on hours of work and rest on board fishing vessels

Legal basis: Laid down by the Norwegian Maritime Authority on 10 November 2017 under the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 6, 22, 23, 24, 28 a, 29, 30 and 45, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 19 August 2013 No. 1002.
EEA references: EEA Agreement Annex XVIII point 32p (Directive (EU) 2017/159).
Amendment: Amended by Regulation of 10 June 2021 No. 2007 (in force on 12 June 2021).

Section 1. *Scope of application*

These Regulations shall apply to persons working on board Norwegian fishing vessels, with the exception of those who:

a. only work on board while the vessel is in port;
b. only carry out inspections on board;
c. work alone on their own vessel.

Section 2. *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

a. "working hours": the time during which work is to be carried out in connection with the vessel's operation;
b. "fishing vessel": a vessel used commercially for fishing, hunting or harvesting living resources of the sea;
c. "hours of rest": continuous period of time of more than one hour outside of working hours;
d. "night work": work carried out between the hours of 0000 and 0700.

Section 3. *Working hours and hours of rest*

The normal working hours shall not exceed 48 hours per week, calculated as an average over a period not exceeding 12 months.

The hours of rest shall not be less than 10 hours in any 24-hour period, and not less than 77 hours in any 168-hour period. The 10 hours of rest may be divided into two periods, one of which shall be at least 6 hours in length. The interval between two periods of rest shall not exceed 14 hours.

The master may require the persons working on board to perform any hours of work necessary for the immediate safety of the ship, persons on board, tools or cargo, or for coming to the aid of other vessels or persons in distress at sea. As soon as practicable after the normal situation on board has been restored, the master shall ensure that the persons who have performed work in a scheduled rest period, get adequate rest.

Exceptions from the provisions of the first and second paragraphs may be laid down in a binding collective agreement. Exceptions may be laid down for objective or technical reasons or out of consideration for organisation of work. Such exceptions shall, as far as practicable, comply with the standards laid down, but may take account of more frequent or longer leave periods or the granting of compensatory leave. When adopting such exceptions, the health and safety of the persons working on board, including the need to rest, shall be taken into account. Exemptions laid down in a collective agreement must not be in contravention of the Work in Fishing Convention (ILO Convention No. 188) or Directive (EU) 2017/159. On vessels not covered by collective agreements, a written agreement to follow exceptions from the first and second paragraphs laid down in collective agreements for equivalent crew groups and vessels may be entered into.

Amended by Regulation of 10 June 2021 No. 2007 (in force on 12 June 2021).

Section 4. *Organisation of work*

The health and safety of the persons working on board shall be ensured when organising work.

Particular consideration shall be given to the fact that there may be increased risk to the health and safety of persons who:

a. perform at least three hours of their daily working hours as night work, or who are expected to perform at least 20 percent of their annual working hours as night work; or
b. participate in shift work.

Section 5. *Special provisions regarding night work*

Persons performing night work on board shall be offered appropriate medical examinations. The medical examination shall take place before the person starts performing night work and at regular intervals thereafter. A medical practitioner shall determine the frequency and contents of the examinations based on the medical fitness of the person performing night work, as well as the stresses to which the person is exposed in connection with work. The company shall cover the costs of the medical examination.

Where necessary to protect the health of a person performing night work, he or she shall, if possible, be assigned other work that does not entail night work.

Section 6. *Supervision*

The Norwegian Maritime Authority or whoever is authorised may at any time carry out supervision on board or demand that information be produced to check that the provisions of the Regulations are satisfied.

Section 7. *Exemptions*

The Norwegian Maritime Authority may, upon written application from the company, grant exemptions from one or more of the requirements of these Regulations. Exemptions must not be in contravention of ILO Convention No. 188, Directive 2003/88/EC or Directive (EU) 2017/159, and the company must establish that one of the following conditions is met:

a. the requirement is not essential and the exemption is considered justifiable in terms of health and safety;
b. compensating measures will maintain the same level of safety as the requirement of these Regulations.

The Norwegian Maritime Authority may lay down special conditions for exemptions pursuant to this provision.

Amended by Regulation of 10 June 2021 No. 2007 (in force on 12 June 2021).

Section 8. *Entry into force*

These Regulations enter into force on 16 November 2017.

As from the same date, the Regulations of 25 June 2003 No. 787 on hours of work and rest on board fishing vessels are repealed.