

Governments admit regulations may be impossible to enforce

WORK/REST, from page 1

Hours of work and rest are regulated – in theory – by two international conventions: the IMO Standards of Training, Certification and Watchkeeping for Seafarers (STCW) of 1995 and the International Labour Organization Convention (No.180) of 1996.

"The aims of both are the same: to reduce fatigue," said Lee Adamson, a spokesman with the International Maritime Organization. "Internationally, manning requirements are set in the SOLAS [Safety of Life at Sea] Convention [of 1974] regulation V-13, which requires that ships shall be ... sufficiently and efficiently manned ... which applies to all ships on all voyages.

"Charter yachts are not defined in SOLAS and can fall into a legislative gray area," Adamson said. "The actual levels of manning on any ship to which a safe manning certificate is issued will be determined by the maritime administration of the flag of the ship flies."

With a majority of the world's yachts flying either U.K. or U.S. flags, focus is given those countries' manning levels. Both countries defer to the STCW and ILO guidelines.

Both require mariners to have 10 hours off in a 24-hour period, taken in no more than two breaks with one of at least six hours. STCW also requires the mariner to have 70 hours off each week; the ILO 77 hours.

STCW regulations apply to mariners traveling country to country. It is unclear how they apply to crew traveling to various ports within one country, such as the

Bahamas or in the Mediterranean.

Revisions to the United Kingdom's Large Yacht Code are expected to include manning restrictions similar to STCW and ILO. Under this code, work is defined as being at the employer's disposal to work, said Tony Drury, deputy chief examiner of the Seafarers Training and Certification branch of the Maritime and Coastguard Agency, which is drafting the code.

Because the code would apply to any U.K.-flagged vessel – as opposed to just vessels on international voyages – it could cause problems for the charter industry.

"Crew are always at work, even if they're not actually working," said Graeme Lord, a charter broker with International Yacht Collection in Fort Lauderdale. "I would have a concern that all pleasure crafts would decrease guest/owner pleasure if something like unions became involved to regulate hours worked."

U.S. crews face few local regulations, if any. The U.S. Coast

Guard relies on STCW regulations, but said yachts fall into a gray area that is impossible to police.

Because of Sept. 11, 2001, commercial charter yachts on international voyages must report to local port, comply as a commercial

vessel and give notice of arrival to

the appropriate USCG district. Such security regulations, which have begun to filter down to 100-ton yachts, may increase USCG boardings.

"If a vessel is a commercial yacht, yes it will be boarded periodically for security exams," said Lt. Commander G. Zeiter of the U.S. Coast Guard's Marine Safety Office in Miami Beach. While onboard, USCG authorities "might be able to enforce regulations on hours of work."

The idea of time on/time off regulations – let alone the notion of enforcing them – is unreasonable, some say.

"Who can take off in the middle of the ocean on a long passage?" asked Southall, whose school trains interior crew. "This profession is unlike any other. A number of hours off per week, regardless of the circumstances, is near impossible and would disrupt the whole idea of yachting."

Even worse, regulations might stifle the very market they intend to protect.

"Yes, there are abuses, as in everything, but it is a great business and the job of a lifetime for many," said Leslie Adams, charter manager with Palmer Johnson Yacht Charters. "More rules and regulations could put an end to this kind of private chartering."

Some larger yachts, such as *Gallant Lady*, have taken cues from the cruise ship industry and hire two people for each position, enabling crew members to rotate off and rest. Such efforts may not be financially feasible for all yachts.

What really determines crew size, several people noted, is as fundamental as yacht design. A 118-foot yacht, for example, might only have three cabins, so it could only run with a crew of five or six, regardless of guests or itinerary.

"In the 1990s, designers started downsizing crew quarters, thereby limiting crew numbers, which is where some of the problems are arising on some of the larger yachts with too few crew berths," Southall said.

Design changes coupled with more regulatory pressure may mean the industry is poised for change.

"A typical day is 12 to 14 plus hours with guests," said one captain. "It may not be safe or legal to work so many hours, but you're left with no choice. Would you turn down a \$100,000 charter for time off? You'd better pack your bags."

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