

WORK PATTERN ON BOARD FRENCH-FLAGGED/RIF SHIPS

In accordance with Art. L. 5612-1 of the French Transport Code, the legal framework relating to working hours on board ships registered in the International Register of the French flag (RIF) differs depending on the seafarer's place of residence:

- seafarers resident in France: application of Book V of Part Five of the Transport Code;
- seafarers who do not reside in France: application in principle of Book VI of Part Five of the Transport Code and, where explicitly provided for, of the provisions of Book V (see the list of legal provisions concerned, mentioned in 2° of art. L. 5612-1 of the Transport Code and II. of art. L. 5621-1 of the Transport Code).

	Seafarers residing in France	Seafarers not residing in France
Working time definition	<p><i>"The time during which on-board personnel are, as a result of an order given, at the disposal of the captain, outside the premises which serve as his/her living quarters on board, shall be considered as effective working time on board"</i></p> <p>Art. L. 5544-2, French Transport Code.</p>	
Normal working hours within 24 hours	<p>08 hours / 24 hours</p> <p>Art. 3, decree no 2005-305 of 31 March 2005 on seafarers working hours</p>	<p>08 hours / 24 hours</p> <p>Art. L. 5623-1, French Transport Code</p>

Statutory working time	35 hours / week Art. L. 5544-8, French Transport Code (refers to art. L. 3121-36, and art. L. 3121-27, French Labour Code)	48 hours / week Art. L. 5623-1, French Transport Code
Normal working hours within 1 month		208 hours / month Art. L. 5623-1, French Transport Code
Maximum working hours within 24 hours	14 hours / day Art. L. 5544-4, French Transport Code	12 hours / day Art. L. 5623-1, French Transport Code
Maximum working hours within 1 week	72 hours / week Art. L. 5544-4, French Transport Code	
Derogation from the maximum working time in excess of 72 hours per week	This derogation is possible only if a collective bargaining agreement is in force Art. 6, decree no 2005-305 of 31 March 2005 on seafarers working hours	
Minimum 24-hour rest period	10 hours / 24 hours	10 hours / 24 hours

	Art. L. 5544-15, French Transport Code	Art. L. 5623-5, French Transport Code
Organisation of rest on board over 24 hours	At least one period of 06 consecutive hours of rest Art. L. 5544-15, French Transport Code	At least one period of 06 consecutive hours of rest Art. L. 5623-5, French Transport Code
Minimum rest period over 7 days	The minimum weekly rest period does not apply to residents of France working on non-fishing vessels. Only the minimum daily rest period applies.	77 hours / 7 days Art. L. 5623-5, French Transport Code
Overtime threshold	35 hours Art. L. 5544-8, French Transport Code (refers to art. L. 3121-28, French Labour Code)	48 hours Art. L. 5623-2, French Transport Code
Overtime: compensatory rest for staff not covered by a collective agreement	01 hour overtime = 01h15 rest (from 36 th to 43 rd overtime hour / week) 01 hour overtime = 01h30 rest (from 44 th to 72 nd overtime hour / week)	The parties to the seafarer employment agreement agree that each hour of overtime shall be the subject either of equivalent rest or of remuneration increased by at least 25%. Art. L. 5623-2, French Transport Code

	<p>Replacement compensatory rest (RCR) can in principle only be instituted "by a company-level agreement" (art. L. 3121-33, French Labour Code). However, in companies without a trade union delegate, RCR may be introduced unilaterally by the employer, provided that the social council of the company does not object.</p> <p>Art. L. 3121-28, L. 3121-36 and L.3121-37, French Labour Code</p>	
<p>Overtime: extra wage for staff not covered by a collective agreement</p>	<p>+ 25 % (from 36th to 43rd overtime hour / week) + 50 % (from 44th to 72nd overtime hour / week)</p> <p>Art. L. 3121-36, French Labour Code</p>	<p>+ 25 % (from 49th overtime hour)</p> <p>Art. L. 5623-2, French Transport Code</p>
<p>Organisation of working time outside collective bargaining agreement</p>	<p>Unilateral decision by the employer: arrangement over a maximum of 9 weeks. Overtime triggered in excess of 35 hours but smoothed over the period, which may not exceed 9 weeks</p>	

	Art. R. 5542-1, code des transports (refers to art. L. 3121-41 to 47, French Labour Code)	
Working hours required for on-board safety	<p>The master may require a seafarer to work such hours as are necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of assisting other ships or persons in distress at sea.</p> <p>In such cases, the master may suspend the usual organisation of working or rest hours and require a seafarer to work for the time necessary to deal with these circumstances.</p> <p>Once these circumstances have ceased, the master will give the seafarer who has performed such work while on rest an equivalent period of rest. The conditions under which this rest is taken take account of safety requirements and the needs of navigation.</p> <p>Art. L. 5544-13, French Transport Code</p>	