



Too hot to handle: pilots refuse to board ships with faulty AC

Pilots working in some ports in Brazil have in some instances refused to board vessels that do not maintain adequate working conditions, specifically concerning temperature control on the bridge and in pilot cabins. This is driven by local labour regulations, which mandate specific temperature ranges for the safety and comfort of employees.

Published 19 November 2024

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

Vessels not complying with the regulations could face significant operational delays, financial losses, and potential port state control inspections. Managers and their seafarers should check that the vessel's air conditioning is working properly prior to arriving in Brazil.

Heat concerns more prevalent in northern Brazilian ports

Pilots may bring thermometers on board, particularly in northern Brazilian ports where they are more likely to insist on enhanced working conditions considering the prolonged periods (typically 6-8 hours) they must remain onboard. As the ambient temperature at the northern ports varies from 30°C to 35°C, vessels with faulty air conditioning are likely to face problems with pilots and other workers. Pilots may report any high temperatures found on the bridge to the local office of the Ministry of Labour. A labour inspector may then be dispatched to the vessel to conduct temperature measurements. If the high temperatures are verified by the inspector, a prosecutor may be assigned to report the matter to the local Harbour Master. The vessel will be required to resolve any issues with the air conditioning before pilotage can resume.

Applicable local regulations

According to our correspondent, Proinde the Brazilian Regulatory Standards (NR) are a set of regulations established by the Brazilian government to ensure health and safety in the workplace. Issued by the Ministry of Labour and Employment, NRs ensure the physical integrity, health and safety at work and establish the technical and legal requirements on the minimum levels of Occupational Health and Safety (OHS), as follows:

- Preserve the health and integrity of workers;
- Outline procedures and strategies for preventing accidents in the construction industry through the adoption of actions with individual and collective impact;
- Encourage the adoption of a company workplace safety policy;
- Prevent the performance of activities in hazardous conditions or that expose workers' health to risks;
- Regulate legislation covering workplace safety.

There are 36 NRs covering topics ranging from environmental risk prevention to safety practices for working at heights. In general, the standards align with the main business activities in Brazil, applies to cases such as those relating to thermal discomfort and issues with air conditioning.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

Section 17.8.4.2 of NR17 states, “ *The organization [employer] must adopt measures to control temperature, air speed and humidity in order to provide thermal comfort in work situations, observing the air temperature range parameter between 18 and 25 °C for air-conditioned environments whereas NR-19 establishes in free translation the requirements and prevention measures to guarantee the safety and health conditions of workers at all stages of the manufacture, handling, storage and transportation of explosives .*”

Penalties for non-compliance with requirements are set out in NR-28. These can go up to USD 300,000, although we are not aware of any cases where such high fines were imposed.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.