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Federation calls for global seafarer vaccination programme

HEALTH AND SAFETY

Fatigue relating to lack of shore leave to have safety consequences?

NAUTILUS AT WORK

Covid-19 cannot slow the upgrading of rivercruise working conditions

EQUALITY

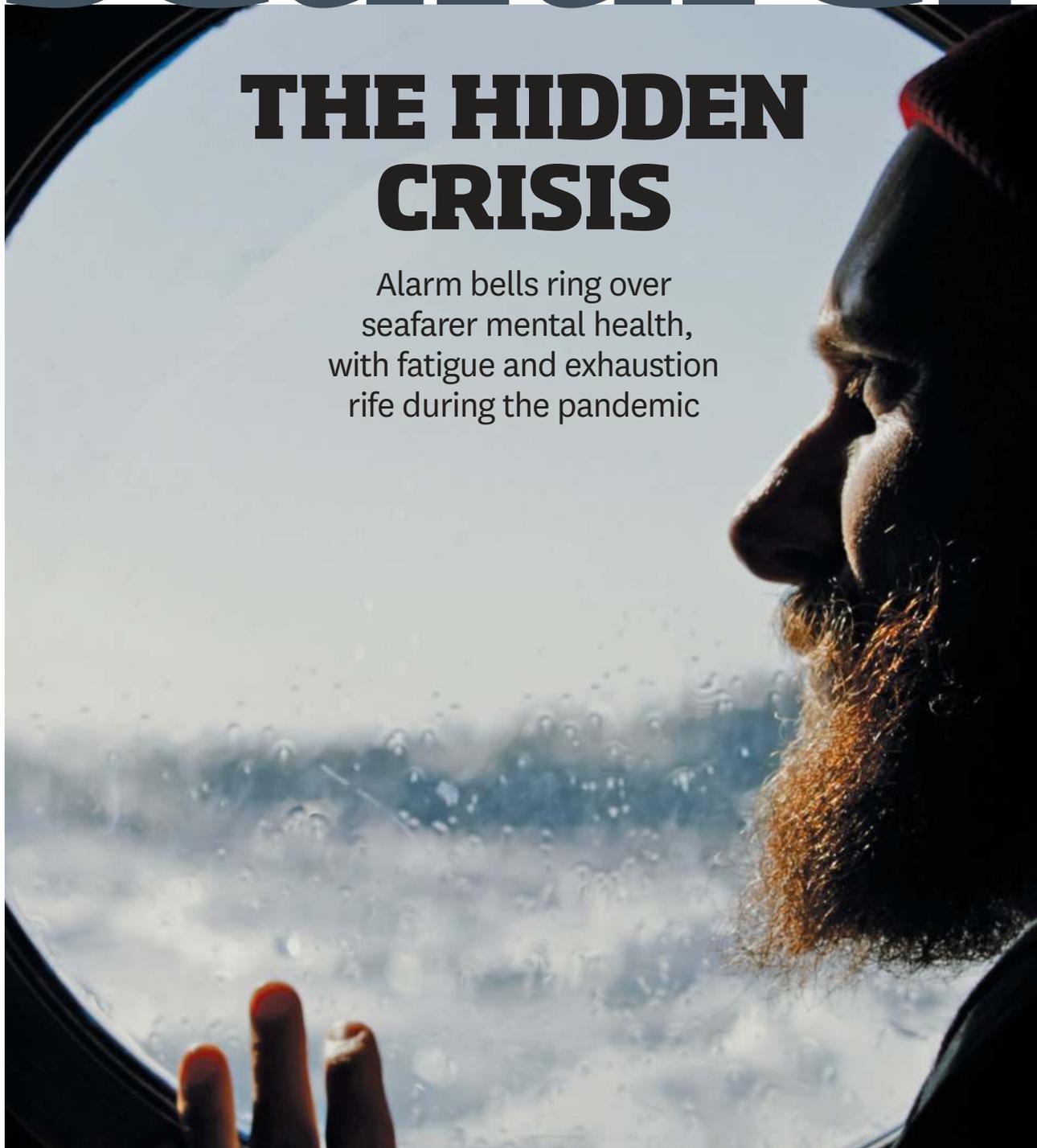
An easy way to create a more welcoming environment for women

the global seafarer

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THE HIDDEN CRISIS

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Published by
Nautilus International
on behalf of

NAUTILUS
FEDERATION
A Federation of Maritime Professionals

Comment

Covid-19 has exposed systemic failures in the protection of seafarers' rights. It is time to create a fairer future for all, writes Nautilus Federation director **Mark Dickinson**

Covid still dominates much of the work at Nautilus. Whether it is the alarming rise in cases in India, the vaccine roll-out or the more positive news that many countries are enjoying a return to something like normal.

Looking to the future, Nautilus has begun to lead a conversation about what Building Back Better means for maritime. I have been making the case that we need to be Building Back Fairer (not just better). The pandemic has highlighted longstanding issues in our industry, and if we are to retain the key workers that keep the world moving, there is desperate need for reform. It was therefore pleasing to secure a resolution from the ILO STC meeting calling on the UN to establish an interagency taskforce to address these systemic failings.

Nautilus has also laid out a new manifesto detailing what changes are needed in the industry, and we will be calling on governments to make them happen.

The first of these is to officially designate seafarers as key workers, globally, immediately and permanently. The Covid-19 lockdown saw ships being refused entry to ports, seafarers denied shore leave and medical attention, repatriation blocked, and workers unable to join their vessels. Obligations stemming from global conventions on seafarers' rights were abandoned and many seafarers are still being denied their rights.

The effects of this pandemic are going to be around for some years to come, and signs are that similar global events are likely in the future. Action must be taken now to ensure that seafarers' rights are not swept aside and sacrificed.

Alongside this, the industry needs to address the ongoing issues of fatigue, piracy, social dumping, abandonment, and of course, flags of convenience (FOCs). Never in the 70-plus year history of the



FOC campaign has the problem been laid out so starkly as it has during this pandemic.

The utter inability of FOCs to fulfil their obligations to the seafarers, ships and ship owners has exacerbated the crew change crisis, and left many companies, especially in cruise, seeking financial support from the states in which they are ultimately owned or from which they are operated.

The lack of accountability and transparency in the industry is a major contributor to the sea blindness that affects us all. If we are to build back fairer for the future and continue to attract the best talent into the industry, this must be addressed. Countries have had a stark reminder of the vital role that shipping industry and our members play in global supply chains over the last 18 months, and we must ensure that seafarers are not swept back out of sight and out of mind.

Building back fairer in maritime gives us the perfect opportunity to look at where we want the global industry to be in future. At Nautilus we don't just talk the talk, we also walk the walk, and we are ready to adapt for the future.

It is not always easy to make changes. For example, many of us are rightly proud of the maritime training we received when we first embarked on a career at sea and may not understand why it is in need of change.

But the world is changing quickly; new technology and the rise of automation (amongst other disruptors) are completely altering the shape of life at sea. We need to ensure that we can attract and retain a diverse cohort of new entrants into the industry, as well as training them to meet and excel in this rapidly changing environment.

I look forward to driving forward more change in the industry, and invite you to join us in doing so. As we build back better, we must build back fairer and ensure those in power have a plan to respond and deliver those opportunities. **t**



We must ensure that seafarers are not swept back out of sight and out of mind



New research highlights negative psychological impact of remote rotational work

A study has shown that remote rotational workers, including seafarers, are experiencing serious mental health issues caused by their jobs.

The Impact of Remote Rotational Work report was released by occupational health psychology consultancy Affinity Health at Work and the International SOS Foundation. This study collected data from stakeholder interviews and a survey of remote rotational workers



Seafarer mental health Image: Getty Images

globally to provide stakeholders with recommendations on improving rotational remote work and enable organisations to increase employee awareness about its psychological impact.

During Covid-19, the demands on remote rotational workers have risen, with 56% of respondents reporting that their stress and anxiety levels have increased. Nearly a third of respondents met the benchmark for clinical depression while on rotation and 40% experienced suicidal thoughts.

Rotational work has also impacted the physical wellbeing of workers, with over a third exercising less or experiencing poor quality of sleep.

The report's recommendations include wellbeing programmes to equip employees with the resources and knowledge to help them adopt healthy behaviours. 1

MAIB issues safety bulletin following multiple cruiseship anchor failures

The UK Marine Accident Investigation Branch (MAIB) has issued a safety bulletin after identifying a trend in anchoring equipment failures aboard cruiseships.



Cruise Ships in Tor Bay Image: Wikimedia Commons

The MAIB is aware of several marine incidents since October 2020 where cruiseship anchors or anchor cables have failed, often while trying to ride out winter storms. One cruiseship lost both of its anchors within a week.

Many cruise vessels have been anchored off the UK's south coast during the Covid-19 pandemic, often for long periods of time and in conditions much worse than they would usually anchor.

Initial findings have shown that the wear rate of the anchoring equipment in adverse conditions is exceeding the design limits of the anchoring systems.

Failures have occurred in joining links, anchor chain common links, D-links and across the anchor crown, causing the flukes to be lost. The MAIB's findings indicate that anchor equipment has been failing due to operational issues rather than fabrication defects.

The MAIB has issued the following safety advice:

- There must be a proactive approach in operations to prevent overloading anchor equipment. If strong winds are forecast, action should be taken to seek more sheltered anchorage and not to wait until the anchor drags in the winds
- Steps should be taken to minimise wear on anchoring equipment and an appropriately experienced crew member should carry out regular checks on the equipment
- Watchkeepers and senior officers must be aware of reporting requirements to the coastal state in the event of losing an anchor
- A full assessment of the anchoring equipment should be carried out before returning to normal service due to the extended use of anchors during this period 1

The full report is available for download at www.gov.uk/maib-reports

EMSA shares positive findings in preliminary annual casualties and incidents report

The European Maritime Safety Agency (EMSA) has released its preliminary annual casualties and incidents report for 2020, which has found a reduction of 18% in the total number of casualties compared with 2019.

This is part of a long-term trend, but is a surprising result given the impact of the coronavirus pandemic.

In 2020, there was a total of 2,632 incidents and 36 fatalities. A total of seven



Navigational events caused the most casualties Image: Getty

vessels were lost, with five of them being fishing vessels.

The most positive findings were the reduction in the number of lives lost by 48% and the number of injured persons dropping by 36% compared with 2019. The number of pollution incidents resulting from marine casualties has also continued to decrease in 2020 with an overall reduction of 68% since 2014.

The full report is available for download on the EMSA website at bit.ly/EMSA_report 1

Supreme Court provides clarity over colregs and crossing rules in Evergreen appeal win

Maritime lawyers have hailed a 'seminal' UK Supreme Court ruling that 'provides clarity and practical guidance' on the interpretation of the international collision prevention regulations (colregs).

The judgement – said to be the first of its kind for 45 years – upheld an appeal by Evergreen Marine (UK) against previous High Court and Appeal Court rulings on responsibility for a collision between the UK-flagged containership Ever Smart and the Marshall Islands-registered very large crude carrier (VLCC) Alexandra 1 in 2015.

Both ships suffered serious structural damage in the accident, which occurred as the 7,024TEU Ever Smart was leaving the port of Jebel Ali at a speed of 12 knots and struck the inbound tanker, which was moving ahead slowly while awaiting a pilot.

A UK Marine Accident investigation Branch report concluded that no passing arrangement had been agreed by the two ships, and the action of both masters had been based on assumptions – with the VLCC being 'unnecessarily close' to the channel entrance and Ever Smart's bridge team failing to keep a proper lookout or monitor the tanker's movement.

The court cases centred on the liability for almost US\$12m worth of loss and damages arising from the accident – which took place near to the entrance of the port's narrow buoyed approach channel – and which section of the colregs should have applied in the situation.

Evergreen Marine had argued that the crossing rules applied, and Alexandra 1, as the crossing vessel, should have given way. But the

Andrew Linington reports on a judgement that also gives guidance on heading, course and bearing



VLCC Alexandra 1 after collision with Ever Smart Image: UK Marine Accident Investigation Branch

tanker's owners disputed this, claiming that the crossing rules did not apply at the mouth of the channel and that Alexandra 1 was drifting at low speed and was therefore not on a sufficiently steady course.

Both the High Court and the Appeal Court had ruled in favour of the Alexandra 1's owners, on the basis that the narrow channel rule (9) in the colregs took primacy over the crossing rule (15).

But, in a unanimous decision, the five Supreme Court judges determined that the crossing rules are not overridden by the narrow channel rules 'merely because the approaching vessel is intending and preparing to enter the narrow channel'.

Instead, they argued, the crossing rules should be overridden only 'if and when the approaching vessel is shaping to enter, adjusting her course so as to reach the entrance on

her starboard side of it, on her final approach'.

They also ruled that neither a give-way ship or a stand-on vessel needs to be on a steady course for the crossing rule to be engaged. 'If it is reasonably apparent to those navigating the two vessels that they are approaching each other on a steady bearing (over time) which is other than head-on, then they are indeed both crossing, and crossing so as to involve a risk of collision, even if the give-way vessel is on an erratic course,' the judgment states.

The 60-page judgment stresses that the colregs are of 'cardinal importance to the safety of navigation' and warns that it is essential the rules are clear and applied in a uniform manner.

The judges noted that the issues raised by the case are of real importance to mariners, and to the effectiveness of the Collision Regulations – pointing out that

crossing situations are common in narrow harbour entrances all over the world and that crossing rules should not be overridden 'unless there is a compelling reason to do so'.

The judgment also highlights the importance of keeping a good visual lookout and of taking bearings to assess whether a risk of collision exists, noting that at the time of the accident Alexandra 1's AIS was not working and that Ever Smart's ARPA was targeted on the pilot launch rather than the VLCC right up to the moment of collision.

The judges said it was 'a striking feature' of the case that the two ships had been approaching each other on a steady bearing for the entire 23-minute period before the collision.

Simon Rainey QC, who headed Evergreen's legal team, said the judgment was extremely useful – providing important clarity over the application of the collision prevention rules, as well as upholding the importance of the crossing rule and delivering practical guidance on issues such as heading, course and bearing.

The judgment describes the circumstances in which the crossing rules would be held to apply to vessels approaching or heading across the entrance of a narrow channel and to vessels intending and preparing to enter. The rules would not apply, however, to vessels on their final approach to the channel and adjusting their course and speed to do so.

The Supreme Court said the Admiralty and Appeal Courts' previous rulings that Ever Smart had 80% liability for the costs of the accident and that Alexandra 1 was 20% liable would now need to be reassessed. 1



US National Transportation Safety Board aims to reduce confined channel risk

The US National Transportation Safety Board (NTSB) has called for new measures to reduce the risks of operating large ships in confined channels – highlighted by the Ever Given containership’s grounding in the Suez Canal.

In a report on a collision between the 54,149dwt liquefied gas carrier Genesis River and a tank barge in the Houston Ship Channel in May 2019, the NTSB warns of the problems posed by speed and hydrodynamic effects in narrow waterways.

NTSB investigators concluded that



Image: Kirby Inland Marine/NTSB

a decision by the gas tanker’s pilot to transit at ‘sea speed’ – around 12 knots – had increased the hydrodynamic effects of the channel banks, reducing his ability to maintain control of the ship after meeting another vessel.

The report examines the impact of a range of hydrodynamic factors, including bank cushion and suction, squat and trim, ship-to-ship interaction, and dynamic path stability, and refers to a number of similar incidents in the Houston Ship Channel.

The NTSB made a number of recommendations for transiting large vessels in the area, and also repeated a recommendation for the US Coast Guard to periodically review each of the 12 vessel traffic service areas and seek input to identify areas of increased vessel conflicts or accidents that could benefit from the use of routing or other special measures. **i**



The Damsterdijk after the fatal accident in the port of Ipswich. Image: Dutch Safety Board

Dutch Safety Board issues warning after fatal accident

Officially-approved safe manning levels for ships must reflect the reality of operations and ensure regulated crew rest hours are guaranteed, the Dutch Safety Board warned in a report on a fatal accident onboard the 2,984gt general cargo ship Damsterdijk in the port of Ipswich October 2019.

A cook/AB on the ship died after being struck by a mooring line which became entangled in the propeller and broke as the ship was being moved backwards to make space for another vessel.

Damsterdijk had been ‘mistakenly’ issued with a minimum safe manning certificate permitting operations with just six seafarers. At the time of the accident there were eight onboard, although the manning plan contained a task description for a crew of nine seafarers, in which an officer would have been available to supervise the mooring and unmooring procedures.

The AB who was supervising the aft deck work was placed in an impossible position, as he was actively involved in handling the mooring lines.

There was no overview and supervision of actions on the aft deck, so that no warning could be issued by the AB in charge about the hazardous situation that had arisen.

A cadet was handling a payed-out mooring line

even though he was not trained to carry out the tasks during the manoeuvre.

Communication problems on the aft deck were compounded by a decision to only provide walkie-talkies to the cadet and the crew members in charge. This meant orders being passed on had to be shouted out against the background noise.

Investigators were unable to determine what action had been taken from a risk analysis carried out by the chief officer seven months before the accident which warned of the dangers posed by insufficient coordination and communication, fatigue, overloading of the mooring lines and winches, and shortcomings in the mooring plan.

The AB in charge on the aft had worked at least 17 hours in the previous 24.

There were no warning markings of snapback zones onboard and the cook/AB had entered a snapback zone when he tried to prevent the starboard stern line from going overboard.

The report calls for the Dutch ministry of infrastructure and water management to ensure that proposals for minimum safe manning are always checked for their feasibility in relation to the work to be carried out, the type of ship, and safety and emergency procedures. **i**



Calls grow for UN investigation of seafarer rights violations during Covid



Hundreds of thousands of seafarers have seen their rights under the Maritime Labour Convention denied Image: Getty Images

Seafarers’ representatives and shipowners have asked the United Nations to establish an interagency task force to examine the implementation and practical application of the Maritime Labour Convention, 2006 (MLC) during Covid-19.

The call for a UN investigation came in a resolution adopted at the 4th session of the International Labour Organization (ILO) Special Tripartite Committee (STC) of the Maritime Labour

Convention. Many violations of the MLC, which lays out a minimum-acceptable level of rights and standards for seafarers, have been reported during the past year.

Mark Dickinson, Nautilus International general secretary and seafarer spokesperson at the ILO, said: ‘The 97 governments who have ratified the MLC have a duty to make sure crew can get home at the end of their contracts. It’s there in black and white. There are no get-out clauses or special

conditions. Governments that failed to ensure seafarers are repatriated or prevented crew from getting home, denied them medical care ashore, and that failed to cooperate internationally to guarantee seafarers their rights are in clear breach of the MLC and thus their international obligations.’

The STC meeting advised cooperation between nations to help end the crew change crisis and allow rapid access to Covid vaccines for seafarers. **i**



CONNECT WITH NATURE

Members share some of the sights they see at sea or ashore for Mental Health Awareness Week: bit.ly/3bGIVf9



HIDDEN HEROES

Captain Fraser Matthew represents seafarers in a new BBC series, ‘Dom Digs In’: bbc.in/3w7FGQT

UN launches checklist to protect seafarers’ rights



Image: Danny Cornelissen

The Human Rights Due Diligence Tool, a checklist to protect seafarers stranded due to Covid-19 travel restrictions, has been launched to aid businesses engaged with the maritime industry.

The tool provides a list of questions that companies can ask suppliers or charterers about seafarers in their supply chains, so they can detect violations of workers’ rights.

It seeks to ensure that the rights of seafarers under the Maritime Labour Convention (MLC) are respected.

The tool is the result of work by the UN Global Compact, UN Human Rights Office, International Labour Organization and International Maritime Organization, motivated by concerns that the number of crew stranded at sea could surge due to Covid-19 variants.

UN agencies have reminded businesses that under the UN Guiding Principles on Business and Human Rights, companies engaged with the maritime industry have a responsibility to respect the human rights of seafarers as workers along their value chain.

Stephen Cotton, International Transport Workers’ Federation general secretary, said: ‘Responsible companies want to understand how they might be violating human rights, even inadvertently. In the midst of the crew change crisis, this tool couldn’t be more timely.’ **i**



In brief

Travel checks

Seafarers travelling for work are advised to check Covid restrictions prior to departure, with several countries imposing additional requirements for passengers.

Some countries have closed borders, and any country may further restrict travel with little warning, the UK Foreign Office advised.

The International Air Transport Association (IATA) has published a guide outlining the current requirements in each country.

In addition, the International Civil Aviation Organization (ICAO) has updated guidance about wearing a mask when flying to 'mandatory'.

Day of the Seafarer

The International Maritime Organisation (IMO) designated the 2021 Day of the Seafarer theme as a 'fair future for seafarers' in the wake of the Covid-19 pandemic.

Leading up to 25 June, seafarers were invited by the IMO to answer questions on what they think a fair future looks like.

'The answers will be shared afterwards and will provide a sounding board to help guide our actions,' IMO said. Seafarers, shipping companies and supporting organisations are also urged to use the social media hashtag #FairFuture4Seafarers to voice their position on what a fairer future for seafarers looks like. **i**

Nautilus Federation calls for global seafarer vaccination programme

The Nautilus Federation, a group of 22 leading trade unions representing seafarers and inland waterways workers, has called on governments and global organisations to coordinate a global seafarer vaccination programme.

The Federation believes that the crew change crisis could be mitigated by an international endeavour to vaccinate maritime and shipping professionals. This would also help to ensure that seafarers do not miss out on vaccinations.

The joint statement calls for seafarers to be given a vaccine authorised by the regulatory body of their home country, and to receive information on their vaccination in English and their own language. It emphasises that seafarers should be able to get the required number of doses within the timescales recommended by the WHO, and have access to medical services in case of side effects. The statement also asks for:

- any vaccinations authorised by the WHO to be recognised as valid for seafarer travel and transit through any national jurisdiction
- seafarers who have not yet been able to receive a vaccination to be permitted to travel for work without restriction for the duration of the seafarer vaccination programme



▲ Fair access for seafarers Image: Getty Images

• a seafarer education programme to counter the effects of anti-vaccination propaganda
Nautilus Federation director Mark Dickinson said: 'There are specific characteristics of the industry which call for a position encouraging vaccination, as maritime and shipping professionals must travel to do their job. This places them at additional risk, and vaccination is an obvious step to mitigate that risk and protect employment.'

'Nautilus Federation affiliates, in supporting this statement, recognise that maritime and shipping professionals require an international solution to ensure access to vaccines while at sea. Governments and global organisations must recognise this urgent and growing need.' **i**

Vaccine delays risk seafarer livelihoods

The Seafarers' Union of Croatia (SUC), an affiliate of the Nautilus Federation, has warned that Croatian seafarers working overseas could lose their jobs as a result of vaccination delays.

Covid-19 vaccinations are now an employment condition for some vessels on which Croatian seafarers are employed.

In one case, SUC assisted a seafarer in the superyacht sector who had a job offer rescinded because they were not vaccinated against Covid-19.

'Poor organisation of vaccine procurement, both in the European Union and in Croatia



▲ A superyacht off Dubrovnik Image: Getty Images

could cause tragic consequences for up to 16,000 Croatian seafarers,' SUC general secretary Neven Melvan said.

'It is becoming urgent within Croatia that a system is established for those seafarers required to board, to be able to access a Covid-19 vaccination in advance of joining their vessels. We have contacted the Croatian Ministry of Health but we are still waiting for an answer,' Mr Melvan added. **i**



▲ Image: Danny Cornelissen

ETF demands equal social security protections for seafarers

The European Transport Workers' Federation (ETF) has called on governments to ensure seafarers receive the same social security protection as workers on shore.

European seafarers are excluded from the Directive on Transparent and Predictable Working Conditions, a part of the European Pillar of Social Rights. Their inclusion would have a positive impact, such as granting them the right to be informed about their social security coverage, according to the ETF.

Some EU member states fail

to provide comprehensive social security protection to seafarers that would be at least equivalent to those offered to shore-based workers. The ETF says the mobile nature of seafarers' work makes it possible for them to 'fall between the cracks' and more protection is needed.

The ETF added that the exclusion of seafarers in a current discussion at the EU level on the proposed Directive on minimum wages could further worsen their already precarious situation and undermine the different

minimum wage systems currently applied to seafarers in some member states.

In a statement on the matter, the ETF also highlighted a study from Oslo University showing that EU shipping is treated differently from other economic sectors in Europe without any legal or moral justification. The study concludes: 'There are no legal obstacles to a system that ensures fair working conditions within the European Maritime Space ... The differences that do exist seem rather to be the result of (a lack of) political will.' **i**

FREE CHILL-OUT PODCAST

Maritime charity Sailors' Society has released a free relaxation podcast for seafarers: bit.ly/3y6fNmF

FINANCIAL HELP

The Seafarers' Advice & Information Line (SAIL) provides advice and assistance with financial difficulties: bit.ly/2RRdGSI

In brief

MPA Singapore bans crew change for those with a recent travel history to India

The Maritime Port Authority (MPA) of Singapore has announced that crew who have recently travelled to India will not be allowed to enter or transit through the country.

Crew who have travelled to India within the 14 days preceding arrival will not be allowed into the Port of Singapore. This includes sign-on crew travelling to Singapore by flight, as well as sign-off crew from vessels that have called at India. Sign-on crew transiting India on their connecting flights to Singapore are also affected.

The action by the Singaporean government follows the emergence of a new Indian variant of Covid-19 and the increase in cases in India.

ILO MLC reminder

Governments have been warned again by the International Labour Organisations (ILO) that a health pandemic is no excuse for abandoning their obligations to uphold seafarers' rights in relation to crew changes and health and safety.

Flag states and port states were urged to comply with the provisions of the MLC, particularly those covering forced labour issues relating to the Covid-19 crew change crisis. **i**



Tug and salvage experts warn that contract squeezing has become so pervasive that staffing is often being cut to unsustainable levels.
Image: Matthias TRR / Wikimedia Commons

COST-CUTTING INCREASES RISKS OF ANOTHER SUEZ-TYPE SHUTDOWN

The six-day blockage of the Suez Canal this year has shone a light on the essential role tug and towboat operators play in keeping the world's supply lines open. But two experts on tugs and towage – Jacques Kerkhof and Ivan De La Guardia – warn that unless critical safety concerns along major waterways are addressed, the world could be in store for another Ever Given-type crisis sooner rather than later.

'A global race to the bottom has been ongoing in the industry, and in 2021 it is continuing with highly profitable corporations exerting downward pressure on pricing for critical tug and towage contracts in every corner of the globe,' Mr Kerkhof and Mr De La Guardia wrote in an article published in *The Maritime Post*.

Major shipping companies are grouping their contracts with towage providers and then demanding discounts that smaller

companies cannot sustain.

As a consequence, it is extremely difficult for tugboat and towage operators to achieve fair returns if they use the number of crew needed to operate safely.

Even in cases in which tugboat and towage workers are directly employed, contract squeezing has become so pervasive that staffing is being cut to unsustainable levels.

'We have been clear that the industry must stop cutting back on maintenance, equipment, fleet renewal and training,' they say.

'It is time to return to safe crewing levels and proper periods of rest and safe levels of work.'

'We urge leaders of the shipping, logistics and freighting industries to recognise the unsustainability of the current trajectory.'

'Hazardous working conditions are a disaster waiting to happen.'

The International Transport Workers' Federation

Union renews action over Panama Canal safety: bit.ly/pancantugs

commissioned a study in 2018 of fatigue among Panama Canal tug captains.

They interviewed 55 captains, a third of the total number working on the canal.

Nearly one in three captains interviewed said they had worked up to 20 hours in a single shift, and six of them reported falling asleep at work.

The tug captains say their workload has doubled since the elimination of the motorised 'mules' that moved ships in the old locks and the opening, two years ago, of the new locks. **i**

Jacques Kerkhof is chair of the European Transport Workers' Federation Tug & Towage Committee.

Ivan De La Guardia is a Panama Canal tug master and an official of Union de Capitanes y Oficiales de Cubierta de Panama (UCOC).

MLC COMMITTEE SPEAKS UP FOR SEAFARERS

Union, employer and government representatives put aside plans for working on amendments at their latest tripartite meeting in favour of resolutions demanding the enforcement of existing MLC legislation that should be protecting seafarers' rights during the pandemic

The Fourth Meeting of the Special Tripartite Committee of the Maritime Labour Convention took place virtually from 19-23 April 2021.

This meeting normally deals with amendments to the Maritime Labour Convention 2006 (MLC), which embodies the rights of seafarers around the globe.

However, this time the attendees instead reacted to the Covid crisis by putting together a call to action for nations that have signed up to the MLC.

Following the meeting, which took place virtually, the International Labour Organization (ILO) adopted two resolutions agreed upon by the representatives. These both ask that MLC signatories commit to aiding seafarers during the pandemic.

The Resolution concerning the implementation and practical application of the MLC, 2006 during the Covid-19 pandemic was jointly submitted by the Seafarers' group and the Shipowners' group. It covers travel – repatriation and getting to the ship – shore leave, and access to shore-based welfare facilities and medical services including dental care.

It recalls that Covid-19 control measures have caused seafarers all over the world to be prevented from exercising their rights to repatriation, maximum periods of shipboard service, shore leave,

medical treatment ashore and access to shore-based welfare facilities to which they are entitled. It notes the impact of these measures on the livelihood and wellbeing of seafarers.

The Resolution asks the International Labour Organization (ILO) to renew its call on states to designate and treat seafarers as key workers. It asks states to take all necessary steps to ensure their fundamental rights are respected; to adopt UN and IMO frameworks to allow safe crew changes; consider waivers and exemptions to normal visa and travel documentation requirements to make travel easier; and to ensure seafarers have access to Covid vaccines and to vaccination certificates that will make travelling for work more practical.

The Resolution concerning Covid-19 vaccination for seafarers asks that they are given access to a vaccine as soon as possible, for example by establishing vaccine hubs in key ports. It calls on governments, shipowners and seafarers' organisations to map out a way to provide adequate vaccines for seafarers, assisted by UN organisations. This includes the use of World Health Organization emergency supplies to assist with crew changes.

It also asks for the establishment of vaccine programmes to facilitate vaccination for seafarers onshore.

In addition, the Resolution calls



Charles Boyle, Nautilus head of legal services, has written a book about the MLC

on states to reject 'vaccine nationalism' and accept vaccines given by other nations as valid.

As well as passing these two calls to action, the Tripartite committee also dealt with something started in its 2018 meeting – reviewing the status of older conventions and recommendations to decide their future status, including whether they be abrogated or withdrawn, as the MLC is the overarching modern consolidating instrument that supersedes older instruments.

Nautilus director of legal services Charles Boyle said: 'These resolutions call for much-needed action to keep ships, international trade and seafarers moving against the backdrop of this unprecedented pandemic. It is hoped that member states of the ILO and other stakeholders follow up with the necessary action, and in particular that they treat seafarers as key workers and give them the respect that they deserve.'

Since this meeting of the STC was so focused on Covid, a further meeting will now take place next year to cover amendments to the MLC. The Seafarers' group have been working on proposed amendments, which will be made known in due course. **i**

SANITATION: BREAKING DOWN THE BARRIERS AT SEA

Stocking feminine hygiene products and having proper procedures for their disposal is an easy way to create a more welcoming environment for women onboard, writes Nautilus head of strategy **Debbie Cavaldoro**

Over the past five years there has been much research into how to attract and retain more women in the maritime industry. Nautilus research has found that there is still a need to get the basics right.

Member experiences were gathered as part of the Union's response to a UK government call for evidence on toilet and sanitary provision for men and women. The Union's submission noted that 'a work environment failing to adequately cater to women's sanitation needs presents a barrier to their employment in a male-dominated industry.'

'Access to decent sanitary facilities for maritime professionals is a gender-sensitive issue which affects women onboard, can perpetuate gender stereotypes and draws unwanted attention to female crew.'

Proper procedures needed

Some female members found the issue difficult. A member remarked it was simply a 'bit embarrassing' having to ask what to do with sanitary products on every new ship, especially when working with cultures that already had poor attitudes to women seafarers. Another member commented that she felt she had been judged by the rest of the crew simply because she had periods.

Others found it easy to resolve for themselves but had stories about the struggles of fellow female seafarers,

including one who would 'store their used towels and tampons and take them home again', and one who would 'sneak out to the poop deck at night and throw them over the wall'.

One member said that she once joined a vessel where two female cadets had already been onboard for two months. When she asked them what they did with their sanitary waste the answer was 'nothing, they're still in the bin'. 'Procedures for disposal is essential to avoid these situations,' she added.

These comments highlight the lack of pre-agreed procedures for the disposal of feminine products.

Seafarers are well known for being resilient, and some of the female seafarers said that they packed feminine hygiene products in their personal luggage or used contraceptives like the pill or an implant to block periods while at sea. It may be that this resourcefulness – and female seafarers' unwillingness to draw further attention to themselves – has allowed these issues to be overlooked in the regulations and not addressed for the benefit of all women at sea.

It is clear from the responses that female seafarers want more support to deal with carrying feminine hygiene products onboard and that a simple solution could be for ships' lockers to include feminine hygiene products.

Mandatory carrying of female sanitary products is particularly important for seafarers working deepsea: 'I feel as though sanitary products should be mandatory onboard to cover deepsea crossings,' one member said. 'We aren't asking for free products, we are asking for emergency products. There should be a procedure for the disposal at sea to be contained within SMS or M-notices.'

Covid-19: enough is enough?

Researchers from Solent University, in partnership with Nautilus International and the Merchant Navy Welfare Board, have been conducting a study of the impact of Covid-19 on British seafarers. Questions related to sanitary provisions were not directly asked but some female respondents spontaneously commented on the subject. They said that because of delayed repatriation, and with shore leave almost completely banned, they had been left with inadequate sanitary provisions to last for the prolonged tour of duty; some women have had to raise the issue more prominently as a result.

The crew change crisis has highlighted many of the cracks that are glossed over in campaigns to attract more young people to go to sea; however, access to hygiene products is one issue which could easily be resolved with just a little thought and effort from those ashore. **t**



Rivercruise after the pandemic

Holger Schatz of Nautilus International's Switzerland branch says that Covid-19 cannot be allowed to slow the upgrading of working conditions

The corona crisis has brought the European rivercruise industry to an almost complete standstill in the 2020 season and the first half of 2021. However, it will probably be able to get going again in the second half of this year, with transnational traffic on the Rhine or Danube. The good prospects for the sector which were forecast before the crisis are still valid, and passenger numbers are expected to grow above 2019 levels.

Nevertheless, the long lockdown in the tourism and hospitality industry has caused enormous havoc,

especially in the river cruise sector with its high fixed running costs of idle ships. Many shipping companies and operators have run into economic difficulties, some have had to go into insolvency, and even in a new start-up the costs will be higher than pre-pandemic due to hygiene measures and reduced guest occupancy.

The lockdown was also a hard blow for the employees. Many did not receive short-time compensation and were laid off. Often, outstanding wages were not paid in full, and in the case of insolvencies sometimes not at all. For us as a union, labour law

interventions for our members have tripled since spring 2020. So it is fair to say that the tone of some employers has become harsher during the crisis.

Not on the backs of workers

We have reason to be concerned that some employers will now try to fend off claims from employees in the new start post-Covid by referring to the difficult economic situation. The first signs of this have already appeared.

We and our partners within the European Transport Workers' Federation (ETF), on the other hand, see all the

more the need to invest in the quality of work. The work of the European social partners over many years to improve and regulate working conditions must not be stopped now.

There is enough money, the economic outlook is good and the industry can and must make every effort to sell the product 'river cruise' at much more fair prices.

We will intensify our efforts and be more visible again from July 2021. We will talk to authorities, media and employers, but above all we will talk onboard and ashore directly to workers on the decks. **t**

FATIGUE: ANOTHER INCONVENIENT TRUTH

Seafarers' groups have slammed an attack by shipowners on WMU research revealing systemic failures of reporting hours of work and rest. **Helen Kelly** reports

WHAT IS STC?

The Special Tripartite Committee (STC) was established by the governing body of the ILO to keep the Maritime Labour Convention (MLC) under continuous review and propose amendments.

STC is composed of two representatives of member governments which have ratified the convention, and the representatives of shipowners and seafarers appointed by the governing body after consultation with the Joint Maritime Commission (JMC).

Government representatives of members which have not yet ratified the convention may participate in the committee but have no right to vote on any matter dealt with in accordance with the convention.

The meeting was attended by 338 government, 43 shipowner and 32 seafarer representatives. Representatives of intergovernmental organisations and non-governmental international organisations, and interested parties, also attended the meeting.

Shipowners have mounted an extraordinary attack on a recent World Maritime University (WMU) report, which found that a systemic underreporting of work and rest hours has normalised fatigue among seafarers.

The 'Culture of Adjustment' report confirmed the outcome of earlier studies and what many in the industry already know, that the altering of records is commonplace and there has been a failure by all stakeholders – seafarers, shipowners, flag and port states – to address the issue.

Shipowners' representative Dr Dirk Max Johns claimed the report 'accused seafarers, shipowners, flag states and inspectors of being involved in systematic evasion, which amounted to organised crime'.

He mounted the unexpected provocation at the International Labour Organization (ILO) Special Tripartite Committee (STC) of the Maritime Labour Convention (MLC), where he sought to discredit the research by claiming it was 'merely contract research' and funded by a trade union lobby group.

Dr Johns, who is the shipowner vice-chairperson of the STC, targeted WMU president Dr Cleopatra Doumbia-Henry for promoting 'wide-ranging allegations of normalised deviance' in reporting hours of work and rest, which he said 'were completely unfounded'.

He claimed that there were also serious issues regarding the methodology used for the study, based on interviews and study groups. Stating that 'researchers had basically spoken to those who had paid for the research'.

The attack ignored the diversity of the interviewees. As disclosed in the report, a total of 86 individuals participated in the research. The group of 20 seafarers represents 23% of the panel; port state control officers (PSCO) 24%; and other stakeholders, including shipping companies and trade organisations, 53%. Such a multi-stakeholder approach allows researchers to multiply data sources, enrich data sources, and cross-check information.

Ignoring this diversity of participants confirms an established 'culture of

adjustment' and shows a tendency to neglect unpleasant feedback.

Alternative facts

Dr Johns further claimed: 'The starting point of the report was the under-reporting of hours of work and rest, which was assumed to be a fact.'

In fact, it was the International Shipping Federation (ISF) and International Chamber of Shipping (ICS) submission to STW/ISWG 2/8 in 2009 that called for proper record keeping: 'It will be more productive to adopt amendments that will encourage proper record keeping and help ensure enforcement of compliance with the detailed rest-hour requirements (such as adequate provision of compensatory rest in any seven day period in which the current "two-day" derogation rule is used). Changing the regime itself will not ensure compliance and neither will it prevent the inaccurate recording of hours of rest.'

Indeed, inaccurate recording of hours of rest has been reported for the last 15 years in qualitative and quantitative research. For example, quantitative evidence of large underreporting is available in Allen et al [2006], which established through a survey that 'only about a third (37.3%) of participants do not under-record their working hours'. After a survey, Simkuva et al [2016] concluded that 'only 31% say they never breach recording requirements'. Previous quantitative research confirms the prevalence of wrong reporting of rest/work hours (62.7% to 69% of seafarers declared underreporting rest/work hours).

Some casualty reports confirmed the WMU's finding when they investigated hours of rest in-depth. For example, the US Coastguard (USCG) report of the Marine Board of Investigation into the steamship El Faro underlined fatigue, violation of standards, methods to adjust records, and limited attention to rest records in audits.

Additionally, the UK Marine Accident Investigation Board (MAIB) casualty investigation report into the Priscilla found hours of work and rest records suggested that the ABs were keeping night watches as an additional lookout when this was not the case.

WMU REPORT RECOMMENDATIONS

The recommendations of the WMU Culture of Adjustment report are wide-ranging, but ultimately safe manning levels are at its core. It found a need to align the regulatory framework with operational conditions and for reliable research to be undertaken on fatigue. The study called for a re-examination of the thresholds set out in the Maritime Labour Convention (MLC), 2006, and the STCW, and of the two-watch system.

Failure of diplomacy

Seafarer vice-chairperson and Nautilus general secretary Mark Dickinson expressed shock at the reaction of the shipowners' group and said that although the International Maritime Organization had established criteria for the setting of minimum safe levels of manning, many flag states ignored these. Following the most recent review of the guidance. Not one flag state had increased safe manning levels despite existing research pointing to the need to do so. 'Indeed, existing flag state regimes are competing to set lower manning requirements,' he said.

Research confirmed fatigue as a major causes of accidents at sea. 'Hours of work and rest must be addressed effectively. WMU should be applauded for the study and for speaking truth to power.'

He reminded the committee that seafarers often worked 91 or 98 hours a week, with derogations permitted under the STCW aggravating the situation.

The shipowner group was right to raise potential criminalisation regarding the failure to keep adequate records of hours of work and rest, he said, as there was also a culture of the adjustment of records to avoid paying seafarers overtime.

'ITF inspectors collect US\$30 million in unpaid wages each year, one third of which is unpaid overtime hours or unpaid hours of work. Such staggering levels of cheating and criminality meant another appropriate title for the WMU study could have been "An Inconvenient Truth". Despite all the positive cooperation between stakeholders in the industry over the past year in response to the pandemic, there is still a tendency to sweep inconvenient truths under the carpet. That cannot continue.'

'The ITF represents over one million seafarers and every single ITF affiliated seafarer's union attending the STC meeting confirmed that the findings of the WMU study were valid.' **i**

50% OF THE WORLD FLEET IS REGISTERED IN COUNTRIES THAT:

HAVE ZERO OR LOW CORPORATE TAX RATES



GLOBAL MINIMUM TAX: a game changer for EU shipping?

An OECD proposal for a global minimum tax would ensure that public investments made by society to promote an industry also provide returns in the form of job creation, adequate training, and decent working conditions, writes Estelle Brentnall from the European Transport Workers' Federation

Discussions are taking place at the Organisation for Economic Co-operation and Development (OECD) to try to reach an international agreement on a global minimum tax for multinational companies. This process has gained momentum now that the US Biden administration has come out in favour of a 21% global minimum tax.

The OECD is trying to address 'base

erosion and profit shifting' challenges and is proposing rules that would provide jurisdictions with a right to 'tax back' where other jurisdictions have not exercised their primary taxing rights, or the payment is otherwise subject to low levels of effective taxation.

In other words, the OECD proposal would ensure that corporations pay taxes and participate in the common societal effort regardless of where they

base their operations. This development is particularly interesting for the shipping industry because of its ability to move ships with ease from one legal jurisdiction to another.

The primary legal authority governing the activities of a merchant ship is the state in which the ship is registered i.e. the flag state. Under Article 94 of the United Nations Convention on the Law of the Sea (UNCLOS) a flag state is required

to effectively exercise its jurisdiction and control in matters administrative, technical, and social over ships flying its flag. Additionally, under Article 91, there must exist a genuine link between the state and the ship.

Shipping today is dominated by flags of convenience (FOCs) by which shipowners of one country can hire the flag of another country. These FOC flag states do not insist on a genuine link and consequently are unable to exercise jurisdiction and control. If that were not bad enough, they corrode the governance of the global shipping industry and fuel a race to the bottom on social, environmental and safety standards.

The FOC flags offer regulatory advantages, low or zero corporate tax and complete flexibility over crew recruitment. The global top three ship registers (Panama, Liberia, and the Marshall Islands), all declared FOC by the International Transport Workers'

Federation (ITF), account for over 40% of the world fleet, but well over 50% of the world fleet is currently registered in FOC states. The failures of these flag states to exercise effective control has led to the necessity for port states to step in to enforce international standards, thereby externalising the cost of flag state failures.

These FOC flag states have been crucial for shipowners to increase profitability at the expense of society. For a shipowner, different factors can motivate them to seek the commercial advantage flowing from choosing to register their ships in these FOCs, including tax avoidance, limiting liabilities, light touch compliance with international maritime social, safety and environmental conventions and hiding behind the corporate veil by availing themselves of beneficial company and financial law.

When it comes to employment standards, the advantages provided to shipowners is often referred to as 'social dumping'. Such practices are particularly evident in European shipping, where it is legally possible to employ third-country nationals onboard ships engaged in regular intra EU/EEA services and pay them far below European standards. Such practices undermine the EU acquis, infringe upon the EU principles of equal treatment for equal work, and enable discrimination between seafarers in terms and conditions of employment on grounds of their residence but in practice this is de facto on grounds of nationality.

The ongoing Covid-19 crisis has exposed the complexity of a global industry with unfettered mobility of labour and capital. FOCs have not adequately assumed jurisdiction and control over the social matters concerning their ships. Shipowners have been forced to turn to their own countries for help and many have been ignored by their governments, leaving seafarers working on ships registered in FOC states without access to their fundamental social and employment rights.

It is estimated that 90% of international trade by volume is carried by sea. Yet seafarers, who have been at the forefront of maintaining trade and the flow of essential medical supplies, food, and energy, have been treated like second-class workers. Hundreds of thousands of seafarers went beyond their original tours of duty, in some cases for more than 17 consecutive months, and often without access to shore-based leave and medical treatment.

Social dumping also undermines the goals of the EU state aid guidelines for maritime transport. It is a practice that needs a holistic response from member states. Various countries have established favourable tax regimes under the EU guidelines, referred to as tonnage tax systems, through which subsidies for shipping activities are provided to support the growth of that country's ship register and promote employment of national seafarers. These tax systems also cover so-called ancillary activities to shipping such as port operations.

Including shipping in the OECD global minimum tax proposal would encourage shipowners to choose bona fide flag states: those that comply with Articles 91 and 94 of UNCLOS. It would still enable them to access favourable state aid systems and ultimately contribute to giving workers access to decent work in the most strategic sector involved in global trade. This would support and enhance the EU's maritime resilience.

In the current context, where all member states are struggling to recover from Covid-19 and have committed at the Porto Summit to continue deepening the implementation of the European Pillar of Social Rights at EU and national level, the OECD proposal for a global minimum tax would ensure that public investments made by society to promote an industry also provide returns in form of job creation, adequate training, and decent working conditions. 

Accidents and ill-health: the forgotten Covid crisis

The shipping industry is relying on exhausted, overworked seafarers to get through the Covid crisis; under these conditions, health and safety lapses that result in injury or even death are no accident.

Andrew Linington reports on issues that prevent members from staying safe or looking after their physical health

The Covid crisis has created huge mental wellbeing issues for seafarers. But experts are also warning the shipping industry that it must address growing concern about the serious physical health and safety problems posed by the pandemic. One flag state has pointed to evidence showing a 'significant' increase in incidents over the past year – with personal injuries up by more than 55%. 'This may be partly due to an increase in reporting,' the Cayman Islands annual casualty report states. 'However, it is likely that the

restrictions imposed by the Covid-19 pandemic may be having an adverse effect on seafarer health and safety.'

Researchers suggest that extended tours, lack of shore leave and delays in repatriation are stoking up long-running problems – increasing workloads, isolation, and stress and fatigue, as well as reducing motivation and morale. This is having an extremely negative impact on the safety of seafarers and their ships.

In a recent M-Notice (MIN 656), the UK Maritime & Coastguard Agency highlights the potential long-term consequences of the

Image: Getty Images

Fatigue related to a lack of shore leave during the pandemic could have severe consequences for shipboard safety

Covid crisis and warns shipowners that 'the way seafarers are treated during this period and beyond will have impacts on the reputation of the industry and on recruitment'.

A sick seafarer has to be medically evacuated from his vessel
Image: US Coast Guard

The physical impact of mental health

So far, the signs are not good. World Maritime University (WMU) research into the way in which seafarers' rights to shore leave, repatriation and medical assistance have been adversely affected by the pandemic found that 95% of seafarers had experienced shore leave denials as a result of the pandemic, only 14.5% had been relieved on time, around half felt unhappy or very unhappy, three out of 10 felt stressed, and one in six said they were completely fatigued.

The WMU findings echoed a Lloyd's Register (LR) survey which showed that 39% of seafarers believed their workload had increased during the pandemic, and two-thirds felt that health and safety was not balanced appropriately with operational demands. The feedback showed crew members were particularly unhappy with workloads and fatigue, the quality and variety of food, and the lack of opportunities to exercise.

Worryingly, in terms of motivation and morale, LR found that only 8% of seafarers felt strongly that they were valued in their role and just 13% considered that they were performing an essential role during the Covid crisis.

Professor Helen Sampson, director of the Seafarers International Research Centre (SIRC) at Cardiff University, says restrictions limiting the ability to go ashore for medical or dental treatment or access port-based welfare services in some countries were one of the most

Two-thirds of seafarers felt that health and safety was not balanced appropriately with operational demands
Lloyd's Register survey

alarming aspects of the Covid crisis.

SIRC's research shows that around 10% of seafarers have required pain medication in the previous 12 months. Prof Sampson says this suggests that may crew members have long-term conditions that may be exacerbated by extended periods at sea and any delays in getting treatment could have serious consequences for their health and wellbeing.

Another SIRC study showed that fatigue was a key factor in around 10% of maritime accidents between 2006 and 2016. 'The indirect consequences for safety of a lack of access to shore leave can therefore be reasonably considered to be potentially severe,' Prof Sampson warns.

Work by SIRC student Helen Devereux examined the negative impact of extended tours of duty and the increased risk of accidents posed by prolonged working routines. Safety may also suffer as seafarers forced to stay at sea for excessive periods can be more prone to lapses of concentration, Prof Sampson adds.



Medical issues

Dr Anish Hebbar, assistant professor of maritime safety and environmental protection, is a co-author of the WMU report and says seafarers are facing a variety of stressors as a result of the Covid crisis. These include anxieties related to uncertainty, family wellbeing, self-health, limited shore leave, travel restrictions, coercion into extended contracts, and long periods at sea.

Mental wellbeing impinges upon physical health and safety, he points out, and these issues in turn feed into a complex chain of factors impacting the safety of ships and their crews, ranging from difficulties with procuring spare parts and safety equipment, to disposing of rubbish and producing or obtaining fresh water.

The quality and variety of food may suffer if shipboard supplies of fresh fruit and vegetables run low as a result of delayed port calls, Dr Hebbar notes, and seafarers will find it harder to keep fit and healthy during extended tours.

'Access to a doctor and medical facilities ashore for seafarers, if required, appears to have been particularly challenging during the period of pandemic,' he adds. 'Post consultation, medicines, if prescribed, may be hard to procure from pharmacies ashore and may not necessarily be available onboard.'

Seafarers with medical problems such as hypertension may face particular problems in arranging the required →



Lockdowns have reduced the availability of traditional training opportunities for seafarers, and while there has been a 'upsurge' of online options, inadequate professional development may have consequences for safety in the longer term

medicines or securing proper monitoring of their condition during a long period away from home, Dr Hebbar points out. Quarantine restrictions may not only reduce the ability of seafarers to go ashore for medical treatment but can also disrupt the delivery of essential medical supplies to ships.

In addition, safety could also be affected by the way in which the pandemic restrictions have reduced the time available to seafarers to complete handover formalities when joining a vessel, Dr Hebbar continues. 'A limited turnover time may be especially stressful when signing on a new ship type and lacking familiarisation with ship-specific operations (for example, ballast water operations or operation of lodicators) or assuming responsibilities as a senior officer onboard,' he explains.

A long-term problem

Dr Hebbar also notes that lockdowns have reduced the availability of traditional training opportunities for seafarers and

while there has been a 'upsurge' of online options, inadequate professional development may have consequences for safety in the longer term.

His concerns are reinforced in the MCA's M-Notice, which stresses that the issues are not confined to seafarers at sea.

'Reduced crew changeover and travel restrictions have meant that many seafarers have been unable to work for extended periods,' it points out. 'As managers and maritime charities alike are seeing, this has negative impacts on wellbeing now, but these impacts will persist in the coming months and years.'

Researchers warn that the risks of fatigue and 'human error' mistakes will be high in the initial period for seafarers returning to their ships after a long time ashore, and it has been suggested that additional support or increased handover periods would help to reduce these dangers.

Owners and managers should pay particular attention to the potential risks arising from

FATIGUE
was a key factor
in around 10%
of maritime accidents
between 2006 and 2016
Seafarers International
Research Centre



Dr Anish Hebbar, assistant professor of maritime safety and environmental protection at World Maritime University

seafarers rejoining ships after long periods ashore, MIN 656 adds, and they should take steps to ensure that they are 'appropriately briefed on health and safety procedures, have up-to-date training/familiarisation and remain competent at their job'.

The MCA also warns that these problems could last for a long time. 'Managing human resources over the next months and even years may be difficult, with the usual rhythm of contract seafarers disrupted,' the M-Notice points out. 'Forward planning should consider the fact that seafarers that have had their contracts extended may not be able to return to work after the usual length of break. Seafarers may also have accrued leave which should be honoured. If seafarers return after a short break, careful consideration must be given to their wellbeing, morale and fatigue levels.'

Reducing the risk

So, what can be done to head off the

threats to physical health and safety? Dr Hebbar describes the ship's master, safety committee and fellow crew members as 'the first line of defence' and advises seafarers to provide mutual support and look out for any signs of increased fatigue or deterioration of mental and physical health among their shipmates, upon which they should immediately alert the master.

The ship's safety committee could meet more frequently and particularly discuss concerns or matters affecting wellbeing, he adds. Special attention should be paid to food quality and variety and health and hygiene onboard.

Opportunities for physical exercise and various onboard activities (such as games) may be helpful, Dr Hebbar suggests, and adequate time should be given to the crew members to interact with each other.

Prof Sampson says the current

This containership crew member had been at sea for over 400 days when his vessel visited the port of Liverpool, prompting a warning from the local seafarers' centre that safety 'is hanging in the balance' as a consequence of 'overly fatigued and mentally exhausted seafarers'



PERSONAL INJURIES up by more than 55%
Cayman Islands Casualty Summary Report 2020

crisis has highlighted the damaging effects of cuts in crewing levels – compromising the ability of ships to cope if seafarers are incapacitated by an accident or sickness. It also underlines the paucity of opportunities for seafarers to stay fit at sea, as well as the decline in the quality of food, and urgent action is required to address the health impact on a long-term basis, she adds.

The MCA's M-Notice highlights the need to prevent fatigue and it also urges owners to provide recreational and social opportunities onboard, to ensure that seafarer rest hours are uninterrupted as possible and provide internet access to enable seafarers to keep in touch with their families.

The M-Notice also emphasises the importance of training and personal development to seafarers' wellbeing, overall company performance, standards

and safety. It urges employers to avert the dangers posed by 'skill-fade' by ensuring that competency levels are maintained, and that seafarers are confident in their roles.

Above all, both the WMU and the MCA stress that effective communication is vital and owners and managers need to be clear, open, responsive and frequent in their contact with seafarers. Managers should provide opportunities for seafarers to speak up if they or their colleagues are struggling with their workload or life onboard, including their mental health.

'In terms of shipping companies, the key is to think long term, and work consultatively with seafarers – for example, actually ask them what they need, and keep communication open,' the MCA adds.

German investigators call for handhold rules review



An accident which left a canal helmsman with terrible injuries has shed light on shocking safety deficiencies around handholds for pilot boarding.

ANDREW LININGTON reports

German authorities are demanding a far-reaching overhaul of the rules governing the safety of marine pilots when boarding ships, following a report that revealed ‘astonishing’ shortcomings in their application and enforcement.

The call follows an investigation of an accident in which a Kiel canal helmsman suffered ‘life-threatening’ injuries when he fell almost 4m onto the deck of a pilot boat. He had failed to find a handhold while boarding the Dutch-flagged general cargo ship Marfaam in January 2019.

A report from the German maritime accident investigation

bureau, BSU, points to widespread lack of implementation and enforcement of the SOLAS Convention rules for safe pilot boarding arrangements – including standards for adequate handholds – and highlights feedback from European pilots suggesting that almost 16% of embarkation points fail to meet international standards.

The report recommends a concentrated port state control inspection to target pilot transfer arrangements, and it urges flag states, port states and classification societies to carry out spot checks for deficiencies in pilot embarkation points.

BSU investigators discovered that there had been two similar

incidents in which pilots slipped and nearly fell after they had been unable to find handholds while attempting to board the 5,422gt Marfaam.

The BSU found that the ship lacked proper handholds at the pilot embarkation gate. Handrails which continued down to the deck level by the gateway had a diameter of 60cm, making them difficult to grasp, and the gate could not be fully opened because a hatch coaming was in the way.

The report points out that current International Maritime Organization recommendations on ‘adequate’ handholds – adopted in November 2011 – do not specify their material, strength or maximum diameter, and that when Marfaam’s keel was laid in 2008 there were no mandatory specifications for the design of handholds.

‘The results of this investigation should be used as an opportunity to limit the existing margin of

discretion about the circumference of handholds and set a maximum permissible value,’ it adds.

Extremely vague standards

The arrangements onboard Marfaam had been approved by Lloyd’s Register, acting on behalf of the Dutch flag state. BSU said its investigation had shown that the ‘extremely vague’ SOLAS standards for access to the deck are widely interpreted by eight leading class societies, which are ‘indiscriminate’ in their use of the terms handrails, handhold stanchions and handholds.

It points out that ‘personnel transfers from one ship to another are complex manoeuvres that involve many high risks for the people crossing’ and it warns that some of the guidance given to seafarers on pilot boarding arrangements is erroneous and confuses handhold stanchions – which can only be grasped at deck level – with adequate handholds.

Detailed requirements for the ergonomics and structural strength of handholds have been laid down at European level for railway staff and these could be used to improve the standards for shipping, BSU said.

Noting that insufficient lighting of the embarkation area was a factor in the Marfaam accident, it says handholds should be coated in a bright colour.

BSU said it was ‘astonishing’ that the defective arrangements onboard Marfaam had not been reported by pilots despite the ‘unrelenting’ campaigns on boarding safety, and suggests the absence of a culture of reporting dangerous embarkation points could be the consequence of pilots seeing them as ‘part of everyday life’. It recommends ‘a user-friendly application’ to simplify the process of notifying authorities about problems, along the lines of the ‘exemplary’ formats developed by the UK Marine Pilots’ Association



BSU recommends improved legal guidance for pilots on their rights to refuse to board a ship if they consider there are severe deficiencies

and the Australian Maritime Safety Authority.

The report notes that Marfaam’s ‘extremely cooperative’ owner, Boomsma Shipping, installed handholds on the ship after the accident and another company operating six sisterships also agreed to make similar improvements. However, it warns that evidence gathered during the investigation ‘shows that many other ships have similar embarkation points that do not have adequate handholds and that many other shortcomings also exist in the area of pilot transfer arrangements and pilot transfers’.

The boarding of the canal helmsman and pilot on Marfaam was not being supervised by an officer, and the report notes that this may often occur as a result of ‘tightly calculated’ crew complements and the need to comply with work and rest hour requirements.

The BSU said evidence from this and other pilot boarding accidents suggests that it is not strictly necessary for an officer to be present and it argues that the rules could be relaxed to give masters the right to allow pilot transfers to take place without an officer, providing that the relevant deck crew are properly qualified and have adequate English language skills.

SOLAS review

Calling for Germany to seek a review of the SOLAS rules, the BSU said this should improve the standards for handholds, ensuring that they are coated in a bright colour, that embarkation gateways

can be fully opened and locked in place, and that supervising crew members should be secured against falling from a height so that they can safely intervene if necessary.

BSU recommends improved legal guidance for pilots on their rights to refuse to board a ship if they consider there are severe deficiencies in the embarkation point. ‘Hazardous situations must be identified, communicated immediately and eliminated,’ it stated.

‘It is the user of a pilot embarkation point in particular who will be best placed to identify a safety risk and [these] must be reported to the competent port state control authority as soon as possible so that – in the best case – they can be eliminated without undue delay.’

The BSU also calls for a risk analysis review of one-person operation of pilot vessels, noting that the presence of someone else in this and other accidents had helped to provide support and mitigate the most severe consequences. ‘It should always be possible to ensure that person-overboard manoeuvres and first aid measures can be carried out immediately,’ the report stresses.

In the longer-term, the BSU suggests a wider review of pilot boarding safety is required and technical developments for transferring personnel in the offshore wind energy sector – such as fixed ladders and systems to compensate for heave and pitch motions – should be looked at more closely for merchant shipping. 



DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY

STILL HERE STILL DEADLY

More than 100 years after the first case of death by asbestosis was diagnosed, asbestos is still being used in ships. **ROB COSTON** reports

Asbestos is an excellent electrical insulator and is highly heat-resistant, making it a perfect material for use in ship construction.

Yet as long ago as the 1900s doctors began to notice lung problems and early deaths in asbestos mining towns.

By the 1950s, exposure to fibres of the substance was known to cause asbestosis – inflammation and scarring of the lungs that causes shortness of breath, coughing, wheezing, and chest tightness, with complications including lung cancer and pulmonary heart disease.

It was also known to be the major cause of malignant mesothelioma, a previously rare form of cancer that often affects the lungs. Symptoms of mesothelioma include shortness of breath due to fluid around the lung, a swollen abdomen, chest wall pain, coughing, tiredness and weight loss.

In short, asbestos is deadly – the only surprise is that it took until the 1970s for governments to begin banning its use. Today, it is prohibited in 67 countries and territories including the UK, EU, Australia, Singapore, Japan, and New Zealand.

Yet, as a recent webinar held by Ship Management International revealed, asbestos is still being fitted in ships. Even now, seafarers are being unknowingly exposed and people working in ship repair are more likely to come into contact than those in any other industry.

More than half of ships affected

In a presentation given at the webinar, Kevan O'Neill, marine services director at hazard management company Lucion Marine, revealed the scale of the problem: 'Lucion Marine conducted

▲ Asbestos warning sign Image: Getty Images/Dan Moore

Members: log in to My Nautilus on the Union's website to read about the Asbestos Register and possible compensation claims

597 inspections during the two-year period up to December 2020. 332 of those vessels [55.6%] were found to have some form of asbestos-containing materials onboard,' he said. 'This constituted 3,641 separate items, 84 of them in the highest category of risk, requiring more immediate remedial attention.'

Most commonly, Lucion found asbestos in pipework flange gaskets, woven pack and gasket materials, hand pumps and isolation valves, electrical components, brake shoes for anchor windlasses, and in places where these components are stored; this last could lead to contamination of other materials. This was an industry-wide issue, not confined to particular sectors.

Another panellist, Jonathan Bruce, a partner at legal firm HFW, pointed out the extra risk to seafarers compared with people in other industries like construction:

'You've got pitching and rolling, enclosed spaces, the vibrations of the ship's engines, all of that inevitably means that there will have been dangerous exposure to a lot of seafarers. As a working environment, it is unique and very dangerous.'

The SOLAS Convention mandated phasing out the use of asbestos on ships long ago: it must be managed properly when installed on ships built before 2002. Its installation was prohibited from 2002 with a few exceptions until, finally, all use was banned on ships constructed after 1 January 2011.

Yet there are clearly a lot of ships that still contain it. Ships built before 2002 can contain an unlimited amount of asbestos as long as they have a plan for managing it, but modern ships are also affected.

The panellists highlighted that this is because components are often produced in countries like China that do not have a zero-tolerance approach to asbestos. Even if a ship undergoes maintenance in, say, Australia – where substances must contain 0% asbestos to be certified as asbestos-free – then the fact that the raw materials for manufacturing come from China mean that it can often slip in via an Australian-manufactured component during a refit, despite national rules. In addition, countries that are not signatories



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to SOLAS are not bound by the Convention's rules on asbestos.

What to do

The important thing is for seafarers to be aware of the scale of this issue, so they can keep an eye out for potential contamination. If a seafarer suspects there is asbestos aboard, it is important to inform the company immediately. They should then take various actions, including informing the flag state.

Thomas Klenum, senior vice-president maritime operations for Liberia's deputy commissioner of maritime affairs, explains what the flag state's response is when informed by a company that asbestos has been found aboard a vessel: 'The focus is to ensure compliance with the applicable rules and regulations and thereby manage the risk to ensure the safety of the seafarers onboard. Therefore, when we are notified about asbestos on one of our flag vessels, then we see three different options available to address this serious issue,' he says.

'First, to immediately remove the asbestos in a safe and responsible manner by a professional asbestos removal company. Obviously, this is the preferred option, but it is often not possible to immediately remove asbestos as it requires proper planning.

'Second, we can issue a temporary exemption certificate in accordance with IMO MFC circular 1374. That can be valid for up to three years and require the ship management

company to implement an effective maintenance and monitoring programme which should be included in the company's safety management system as part of the ICM code.

'Finally, there is the last-resort option to leave the asbestos in place. That can only be applied in exceptional circumstances where a risk assessment study suggests that removal could have a higher risk to the seafarers' health than containing asbestos onboard. This approach can only be allowed by enforcing a strict and effective maintenance and monitoring programme. With suitable risk control measures in place including air quality measurements and also seafarers health checks, an exemption certificate is issued with the validity of up to three years and renewal is only granted upon satisfactory review.'

If the asbestos is not immediately removed, the company should put in place an asbestos management plan to assess the material and the potential risk posed to the crew. Access to the site of the asbestos should be restricted and seafarers should be informed about safe systems of working in the vicinity of any asbestos and trained to ensure they can carry on with their jobs safely, without the risk of exposure, until a professional company can remove the hazardous material. 

Watch the asbestos webinar at: bit.ly/webinarasbestos

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