



MGN 588 Amendment No.1 (F)

COMPULSORY PROVISION AND WEARING OF PERSONAL FLOTATION DEVICES ON FISHING VESSELS

Notice to all fishing vessel owners, operators and managers; employers of fishermen; skippers, officers and fishermen on fishing vessels

This notice should be read with MGN 570(F) and MGN 571(F) taking into account the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 as amended and the Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1999 with MSN 1870(M+F).

Summary

- Where risks cannot be reduced to a safe level by other measures, personal protective equipment must be provided and used.
- Statistics show that there is a significant risk of fishermen working on open decks falling overboard.
- Following risk assessment, measures should be established to reduce the risk of fishermen falling overboard wherever practicable. MGN 571(F) gives guidance on preventing man overboard on fishing vessels.
- MCA will expect to see a record of any risk assessment and measures put in place.
- From the date of publication of this Notice, failure to ensure the provision and wearing of PFDs and/or fall restraint harnesses by all fishermen working where there is a risk of falling overboard will be considered by the MCA to be a breach of health and safety legislation.
- The only exception to this is where the fishing vessel owner can demonstrate, through a documented risk assessment, that the risk of falling overboard has been eliminated by other measures.
- PFDs must meet minimum acceptable performance levels required by MSN1870.
- Where alternatives to the minimum performance levels for PFDs are allowed, this must be documented in a written risk assessment, demonstrating how an equivalent level of safety is achieved.
- PFDs must be worn in accordance with manufacturers instructions



1. Introduction

- 1.1 The MAIB database of marine accidents between 2000 and 2020 records 157 fatal drowning accidents from UK registered fishing vessels. Of these, 108 of the fatalities were not wearing Personal Flotation Devices (PFDs) and 20 were wearing them. In the remaining 29 cases it was unknown whether PFDs were worn at the time of the accident.
- 1.2 The outcomes of these accidents show that the likelihood of surviving a man overboard incident is much greater if a PFD is worn.
- 1.3 Man overboard incidents are the most common event leading to fatalities from UK registered fishing vessels.

2. Duties of owners, skippers and fishermen under Convention 188 - International Labour Organisation Convention on Work in Fishing (ILO188)

- 2.1 Fishing vessel owners and skippers are responsible for ensuring the health and safety of anyone working on their vessel.
 - (a) Owners must provide sufficient resources and facilities to operate the vessel safely and in compliance with relevant legislation (ILO 188 Article 8.1);
 - (b) Skippers are responsible for the safe operation of the vessel including health and safety awareness training and supervising fishermen so that they work safely (ILO 188 Article 8.2).
- 2.2 Owners and skippers should also ensure that risks to health and safety are assessed and appropriate safety measures are put in place to prevent accidents so far as reasonably practicable, and to minimise the consequences of any accidents that do occur (*Regulation 4 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997*).
- 2.3 Fishermen are required to comply with the lawful orders of the skipper and any applicable health and safety measures provided on board. (*Regulation 4 of the Merchant Shipping (Work in Fishing Convention) Regulations 2018 and Regulation 21 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997*).

3. The risk of falling overboard

- 3.1 The number of man overboard accidents from fishing vessels investigated by MAIB in recent years clearly demonstrates a significant risk to fishermen. Incidents have occurred because fishermen have fallen, been washed or been dragged overboard after getting tangled in gear.

4. The risk of drowning

- 4.1 Once in the water, cold shock and hypothermia will quickly make it harder for a person to stay afloat and alert. As highlighted in the statistics in section 1 above, the risk of drowning is significantly higher if no PFD is worn.



5. Preventive and protective measures

- 5.1 In the light of recent accidents, MGN 571(F) was published giving advice on how to prevent man overboard. This gives guidance on risk assessment for man overboard and the safety measures to be put in place to prevent this. In addition, the Fishing Industry Safety Group and the MCA have promoted the use of safety harnesses or PFDs when working on deck.
- 5.2 However, despite a safety campaign by the Fishing Industry Safety Group and the distribution of approximately 8,000 free PFDs, there is evidence that on many vessels the risk of man overboard has not been eliminated and harnesses and PFDs are still not being worn.
- 5.3 Preventive measures, such as those set out in MGN 571(F), remain the most effective method of preventing fatalities from man overboard. However, with the introduction of ILO 188, which extends health and safety duties and protection to all those working on fishing vessels, the MCA will now enforce the use of safety harnesses and/or PFDs as a mandatory requirement where there is a risk of falling overboard.

6. MCA requirement to wear PFDs

- 6.1 In view of the evidence in section 1 above of the risk of falling overboard, and the increased risk of drowning when a PFD is not worn, the MCA requires that, unless measures are in place which eliminate the risk of fishermen falling overboard, all fishermen must be provided with and must wear PFDs or safety harnesses. The measures preventing Man Overboard must be documented in a written risk assessment.
- 6.2 The MAIB in their Safety Digest 1/2017 published the following advice:

Always wear a lifejacket when working on the open decks. If you end up in the water it can save your life by:

- *Reducing the load on your heart as you won't have to struggle to swim.*
- *Keeping you afloat and your face clear of the water, allowing you to breathe.*
- *Assisting those recovering you by providing them with something to grab onto.*
- *Increasing your visibility in the water, helping your rescuers find you.*

- 6.3 Wearing a lifejacket can also help you assist others in the water who may be in difficulty.

7. Standards of PPE:

- 7.1 Manufacturers have carried out significant work with Fishing Industry Safety Group in recent years to improve the practicability of PFDs, so that they are comfortable and safe to work in.



7.2 MSN 1870(M+F) provides information on appropriate standards of PPE and includes the following:

	Work Activity	Personal protective equipment and clothing to be provided	Full title of standard
12	Any work carried out from an overside position or in an exposed position where there is a reasonably foreseeable risk of falling or being washed overboard or any work carried out in or from a ship's boat	Either a MCA approved lifejacket or a personal flotation device conforming as appropriate to one of the following, taking into account the area of operation.	
BS EN ISO 12402-8:2020 <i>Replacing BS EN ISO 12402-8: 2006+A1:2011</i>		Personal flotation devices. Accessories. Safety requirements and test methods	
BS EN ISO 12402-3:2020 <i>Replacing: BS EN ISO 12402-2:2006+A1:2010</i>		Personal flotation devices. Lifejackets, performance level 150. Safety requirements	
BS EN ISO 12402-2:2020 <i>Replacing: BS EN ISO 12402-2:2006+A1:2010</i>		Personal flotation devices. Lifejackets, performance level 275. Safety Requirements	
<i>Partially inherent lifejackets must have at least 89 N of inherent buoyancy; and with the inflatable sections relying on automatic inflation</i>		.	

7.3 Other types of PPE

7.3.1 MSNs 1871, 1872 and 1873 also state that a wearable buoyancy device of at least 50N that provides buoyancy in the water can be accepted on the basis of a risk assessment. The fishing vessel owner should familiarise themselves with the capabilities of PPE, and its limitations and select equipment appropriate to the risk. The risk review and reasons as to why a wearable buoyancy device of at least 50N provides equivalent levels of safety to the wearing of an inflatable PFD must be documented in the Risk Assessment.

7.3.2 In considering the Risk Assessment, special consideration should be given to the following:



- a. It will not turn an unconscious person over and keep their airways clear of the water;
- b. It will not keep the head clear of the water if the wearer suffers from the effects of cold water shock on entering the water;
- c. The wearer will be required to expend additional effort to stay afloat with their head clear of the water, reducing the time available to effect a successful rescue.

7.4 Performance levels of PFDs

7.4.1 Lifejackets for seagoing ships in accordance with ISO 12402-1 are intended primarily for use on seagoing ships under IMO rules.

7.4.2 PFD, performance level 275, in accordance with ISO 12402-2 are intended primarily for offshore use and by people of significant weight or who are using items of significant weight and thus require additional buoyancy. They are also of value to those who are using clothing which traps air and which will adversely affect the self-righting capacity of the lifejacket. They are designed to ensure that the user is floating with their mouth and nose clear of the surface at an angle and with sufficient freeboard to limit mouth immersions in waves.

Note: when fitted with emergency light and whistle, this can be counted as an abandon ship lifejacket required by MSN1871 Amendment No.1 The Code of Practice for the Safety of Small Fishing Vessels of less than 15m Length Overall, or any superseding document.

7.4.3 PFD, performance level 150, in accordance with ISO 12402-3 are intended for general offshore and rough weather use where a high standard of performance is required. As tested, they will turn an unconscious person in swimming attire into a safe position. Additionally, they should maintain a fully clothed person in a safe position with no subsequent action by the user.

7.5 Minimum accepted performance level for inflatable PFDs on Fishing Vessels

7.5.1 The performance level for an automatically operating PFD or automatically inflated PFD on a fishing vessel is 150N.

7.5.2 PFDs which require a secondary donning action, such as those worn around the waist, and/or additional positioning are not acceptable given that the critical cold shock period occurs immediately on entering the water.

7.5.3 PFDs must always be worn in accordance with Manufacturers' donning instructions, which should be displayed in a prominent place. For example, where the PFD requires it to be fitted with a crotch strap to meet the requirements of safe wear, ensure that:

- a. The crotch strap is in place and is in good condition;
- b. The crotch strap is not tied up with tape, tie wraps or any other means which would indicate it is not being used;
- c. The crotch strap is used whilst wearing the PFD;
- d. correct adjustment/fitting to suit the wearer is essential, every time the PFD is donned (especially if the PFD is used by other crew members).

7.5.4 Crew should be provided with training in the correct donning of their PFDs during their familiarisation training.



More Information

Technical Services Ship Standards
Maritime and Coastguard Agency
Bay 2.23
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel: +44 (0) 203 81972
e-mail: fishing@mcga.gov.uk

Website Address: www.gov.uk/government/organisations/maritime-and-coastguard-agency

General Enquiries: infoline@mcga.gov.uk

Published: October 2021
Please note that all addresses and
telephone numbers are correct at time of publishing

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