
INTERNATIONAL LABOUR ORGANIZATION CONVENTION (ILO) 178 AND RECOMMENDATION 185 - CONCERNING THE INSPECTION OF SEAFARERS' WORKING AND LIVING CONDITIONS

Notice to Ship Owners, Ship Operators, Managers, Manning Agents, Trade Unions and Seafarers

This notice should be read in conjunction with existing regulations

Summary

Key Notes:

The purpose of this Merchant Shipping Notice is to alert owners, operators, managers, manning agents, trade unions and seafarers to the fact that the UK Government has ratified ILO Convention 178 and taken note of the associated Recommendation 185 concerning the inspection of seafarers' working and living conditions.

Ratification took place on 2 July 2003 and provisions become mandatory one year on - from 2 July 2004. ILO 178 Inspections will apply to UK seagoing vessels of 500 gross tonnage and over, including seagoing tugs.

Inspections will be carried out at approximately 2¹/₂ yearly intervals. Where practicable these may be arranged before 2 July 2004 to coincide with forthcoming ISM renewals

1 Introduction / Background

1.1 The ILO is the United Nation's body responsible for setting international standards for working and living conditions. ILO Convention 178 requires members to implement a formal inspection regime to verify compliance with the relevant national legislation and in the case of merchant shipping, to ILO Convention 147 - the Merchant Shipping (Minimum Standards Convention). No new regulations or penalties are introduced by these measures. The term "seafarer" means

a person who is employed in any capacity on board a seagoing ship to which this Convention applies.

1.2 The Maritime and Coastguard Agency (MCA) will implement a regular inspection regime and apply the ILO Recommendations to the Convention to promote and ensure effective co-operation between inspectors, ship owners, seafarers and their respective organisations, in order to maintain or improve seafarers' working and living conditions.

1.3 These requirements will apply to seagoing ships of 500 Gross Tonnage and over, including seagoing tugs and vessels such as oil rigs and drilling platforms when engaged in navigation. Throughout this document the term ship or vessel also includes seagoing tugs and such rigs and platforms.

1.4 The existing inspection regime will continue to apply to vessels below 500 gross tonnage not requiring these regular inspections according to ILO 178.

2 Organisation of Inspections

2.1 The MCA will carry out inspections at approximately two and a half year intervals but not exceeding the three years stipulated by the Convention (and where practical more frequently). Inspections can be timed to coincide with International Safety Management (ISM) Code audits of individual ship Safety Management Certificates (SMC) to minimise the inconvenience to ship owners and Masters.

2.2 UK ratified this Convention on 2 July 2003 with a coming in to force date twelve months later on 2 July 2004. Early compliance with this Convention prior to 2 July 2004 is encouraged. Powers of inspection exist now, and wherever practicable MCA surveyors will carry out such inspections prior to 2 July 2004 and issue the new report of inspection which will demonstrate compliance with ILO 178 Convention.

2.3 For ships joining the UK Register, the MCA's intention is to carry out ILO 178 inspection at interim ISM audit as part of the UK's flag-in process. Where this is not undertaken directly by the MCA then there will be a full ISM audit/ILO inspection within six months undertaken by the MCA.

2.4 For ships not covered by the ISM Code Audits, inspections will be carried out in conjunction with other surveys or other targeted inspections carried out by the MCA.

3 Scope of Inspections

3.1 The following areas will be subject to inspection insofar as they are covered by national laws and regulations many of

which have been based on the relevant ILO Conventions, including ILO 147 - the Merchant Shipping (Minimum Standards) Convention:

- Maintenance and cleanliness of shipboard working and living areas.
- Minimum Age
- Articles of Agreement (Crew Agreements)
- Food and Catering
- Crew Accommodation
- Recruitment
- Manning
- Qualifications
- Hours of Work
- Medical Certificates
- Prevention of Occupational Accidents
- Medical Care
- Sickness and Injury Benefits
- Social Welfare
- Repatriation
- Terms and Conditions of Employment
- Freedom of Association/Right to Organise

3.2 While the majority of the obligations under the Convention are the responsibility of the MCA to enforce some obligations will fall in the purview of other government departments.

4 Crew Complaints

4.1 If the MCA receives a complaint or obtains evidence that a vessel does not conform to Merchant Shipping legislation in respect of seafarers' working and living conditions, actions will be taken to inspect the ship as soon as practicable. All such matters will be treated in strict confidence.

4.2 Masters, crew members, representatives of seafarers or any other persons, wishing to lodge a complaint should contact the local MCA Marine Office (contact addresses and telephone numbers attached) or for ships outside the UK, the contact at the end of this notice or the local UK consulate. Where possible efforts should be made to use the shipboard and company grievance procedures first before taking this step.

4.3 If a complaint is received and the ship cannot be inspected at a UK port within a reasonably short period determined by the seriousness of the complaint, this information should be passed to the MCA's

- Inspection Branch. Arrangements will then be made for an inspection to be carried out on its behalf by a reliable authority. Failing that, arrangements may need to be made for a chargeable visit abroad by an MCA surveyor.
- 5 Ship Construction**
- 5.1 In cases of substantial changes in construction or accommodation arrangements, the ship must be inspected within three months from such changes to ensure that seafarers' working and living conditions have not been adversely affected.
- 6 Inspections**
- 6.1 Inspectors will be empowered to carry out any examination, test or inquiry they consider necessary to ensure that legal provisions as provided by the Merchant Shipping Acts are being strictly observed. Where there is reason for example for an Inspector to believe that products or cargo, drinking water, provisions, materials and substances used or handled are causing a risk to working and living conditions, then samples may be taken for analysis. In those circumstances, the ship's Master will be informed and where appropriate, the seafarers and/or their representatives.
- 6.2 Inspectors will provide an inspection report and, if appropriate, require that deficiencies are rectified according to standard inspection reporting procedures.
- 6.3 The report will be given to the Master of the ship. A copy of the report is to be posted on the ship's notice board for the information of the seafarers. A copy may also be sent to the seafarers' representatives. A further copy of the report will be retained by the MCA.
- 6.4 Where there are grounds to believe that a deficiency constitutes a significant danger to seafarers' health and safety, the ship, subject to a right of appeal, will, unless a Prohibition or Improvement Notice is issued in appropriate cases, be prevented from leaving port until appropriate remedial action has been taken. All reasonable efforts will be made to avoid a vessel being unreasonably detained or delayed.
- 6.5 A fee, in accordance with the Merchant Shipping (Fees) Regulations will be charged for any inspection which results in any re-visit to check that deficiencies have been rectified.
- 6.6 Subject to paragraph 6.5 above, regular inspections will be carried out free of charge in cases where the inspection can coincide with the ISM Code audit or other regular survey carried out by MCA, as explained in paragraph 2. In cases where this has not been possible, for the convenience of the ship owner, and an ILO inspection is required overseas, the MCA will charge a fee for the additional time and expenses involved in having to carry out a standalone inspection.
- 6.7 Inspectors will have discretion to give warning and advice instead of instituting or recommending formal proceedings.
- 6.8 Provisions for penalties already exist in current legislation and will be applied as appropriate.
- 7. Records of Inspections**
- 7.1 The MCA will maintain records of inspections. It will also publish an annual report on inspection activities within six months of the end of the year. At **Annex 1** is a list of MCA local Marine Offices and at **Annex 2** an example of the report form to be used.
- 7.2 **Annex 3** provides guidance for surveyors on the principles of application of this Convention.
- 8. Monitoring**
- 8.1 Ship owner and seafarer organisations will be consulted by the MCA annually about the application of these arrangements.

Annex 1: MCA Marine Offices

East of England Region

DOVER MARINE OFFICE
Maritime & Coastguard Agency
Langdon Battery
Swingate
DOVER
CT15 5NA
Tel: 01304 218500
Fax: 01304 218505

TYNE MARINE OFFICE
Maritime & Coastguard Agency
Compass House
Tyne Dock
South Shields
Tyne & Wear
NE34 9PY
Tel: 0191 4969900
Fax: 0191 4969901

ORPINGTON MARINE OFFICE
Maritime & Coastguard Agency
Central Court
1 Knoll Rise
ORPINGTON
Kent
BR6 0JA
Tel: 01689 892807
Fax: 01689 890446

STOCKTON MARINE OFFICE
Maritime & Coastguard Agency
3rd Floor, Victoria House
Pearson Court, Pearson Way
Teesdale Park
STOCKTON ON TEES
TS17 6PT
Tel: 01642 611040
Fax: 01642 614048

SOUTHAMPTON MARINE OFFICE
Maritime & Coastguard Agency
Spring Place
105 Commercial Road
SOUTHAMPTON
SO15 1EG
Tel: 02380 329 329
Fax: 02380 329 351

GREAT YARMOUTH MARINE OFFICE
Maritime & Coastguard Agency
4th Floor,
Havenbridge House
GREAT YARMOUTH
Norfolk
NR30 2HZ
Tel: 01493 841300
Fax: 01493 841334

HULL MARINE OFFICE (BEVERLEY)
Maritime & Coastguard Agency
Crosskill House
Mill Lane
BEVERLEY
HU17 9JB
Tel: 01482 866606
Fax: 01482 869989

HARWICH MARINE OFFICE
Maritime & Coastguard Agency
East Terrace
WALTON-ON-NAZE
Essex
CO14 8PY
Tel: 01255 682107
Fax: 01255 682108

Wales and West of England Region

CARDIFF MARINE OFFICE
Maritime & Coastguard Agency
Anchor Court
Ocean Way
CARDIFF
CF24 5JW
Tel: 029 2044 8822
Fax: 029 2044 8810

LIVERPOOL MARINE OFFICE
Maritime & Coastguard Agency
Hall Road West
Crosby
LIVERPOOL
L23 8SY
Tel: 0151 9316600
Fax: 0151 9316615

MILFORD HAVEN MARINE OFFICE
Maritime & Coastguard Agency
Gorsewood Drive, Hakin
MILFORD HAVEN
Pembrokeshire
SA73 3HB
Tel: 01646 699604
Fax: 01646 699606

FALMOUTH MARINE OFFICE
Maritime & Coastguard Agency
Pendennis Point
Castle Drive
FALMOUTH
Cornwall
TR11 4WZ
Tel: 01326 310800
Fax: 01326 314331

PLYMOUTH MARINE OFFICE
Maritime & Coastguard Agency
New Fish Market, Baylys Wharf
Fish Quay
PLYMOUTH
PL4 0LH
Tel: 01752 266211
Fax: 01752 225826

Scotland and Northern Ireland Region

ABERDEEN MARINE OFFICE
Maritime & Coastguard Agency
Marine House
Blaikies Quay
ABERDEEN
AB11 5EZ
Tel: 01224 597900
Fax: 01224 571920

BELFAST MARINE OFFICE
Maritime & Coastguard Agency
Bregenz House
Quay Street
Bangor
BT20 5ED
Tel: 028 91475310
Fax: 028 91475321

GLASGOW MARINE OFFICE
Maritime & Coastguard Agency
Navy Buildings
Eldon Street
Inverclyde
GLASGOW
PA16 7QY
Tel: 01475 553370
Fax: 01475 553357

LEITH MARINE OFFICE
Maritime & Coastguard Agency
1 John's Place
Leith
EDINBURGH
EH6 7EL
Tel: 0131 5545488
Fax: 0131 5547689

SHETLAND MARINE OFFICE
Maritime & Coastguard Agency
The Knab
Knab Road
LERWICK
Shetland
ZE1 0AX
Tel: 01595 743514
Fax: 01595 696816

The Master should arrange for a copy of this form to be posted on the ship's notice board for the information of the seafarers in accordance with Article 9 (1) of ILO Convention 178



REPORT OF INSPECTION OF SEAFARERS' WORKING AND LIVING CONDITIONS

Page of
Master's Copy /
Ship's Copy /
MCA Copy

2. Name of Ship	6. IMO No:	6a. Official No:	5. CallSign:
4. Type of Ship	7. GT	8. Year of Build	
9. Date of Inspection	10. Port of Inspection:		

Scope of Inspection

No	Area Examined (X)	Conditions	Deficiency (Y/N) (If yes see MSF 1603 Form B)	Remarks
1		Standard of maintenance & cleanliness of living and working areas		
2		Minimum age		
3		Articles of Agreement (Crew Agreements)		
4		Food, catering, hygiene		
5		Crew Accommodation		
6		Recruitment		
7		Manning		
8		Qualifications		
9		Hours of work		
10		Medical examinations		
11		Prevention of occupational accidents		
12		Medical care		
13		Sickness & injury benefits		
14		Social welfare & related matters, including Freedom of Association and Right to Organise		
15		Repatriation		
16		Terms and conditions of employment		

This report must be retained on board for a period of 3 years and must be made available for consultation by MCA officers at all times

MCA Office Address	MCA Office Stamp	Name (duly authorised inspector (s)) Signature Telephone +44 (0) Fax + 44 (0) Email mca.gov.uk
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This report has been issued solely for the purpose of informing the master, other seafarers and other port states that an inspection of working and living conditions has been carried out in accordance with ILO 178 Convention. This report indicates the results of the inspection, which is a sampling process and cannot be construed as a complete examination of every item or that it conforms compliance with any requirements other than required by the ILO Convention.

Guidance for Surveyors Inspection of Working and Living Conditions

Introduction

This document is primarily intended to provide guidance to surveyors but may be of value to ship owners, managers, manning agents, masters and crew in providing information on the principles to be observed and scope of inspections.

ILO Convention 178 and Recommendation 185 requires the UK to maintain a system of inspection of seafarers' working and living conditions.

Requirements apply to UK registered seagoing ships of 500 gt and over, including seagoing tugs but excluding fishing vessels. (Note - the application of the Convention to Fishing Vessels is subject to separate consultation).

The MCA will act as the UK central co-ordinating authority for the purposes of ILO 178 and in this respect may need to advise other public institutions or Government Departments when a complaint has been received or when an apparent breach of non - Merchant Shipping legislation is discovered. MCA will be responsible for enforcement of Merchant Shipping legislation but does not have the authority for enforcement for other national legislation. Responsibility for enforcement remains with the appropriate authority and MCA will only act as informant or in a liaison capacity.

The Convention requires that ships be inspected at intervals not exceeding 3 years. It also requires ships to be inspected if a complaint is received or there is evidence that a ship does not conform to existing legislation in respect of seafarers' working and living conditions. Additionally where substantial changes in construction or accommodation arrangements occur, the ship should be inspected within 3 months of such changes taking place.

ILO Recommendation 185 concerning the inspections of seafarers' working and living conditions among other things, recommends that inspectors should alert the central co-ordinating authority, if there are any deficiencies or abuses not specifically covered by existing legal provisions. In this respect inspectors may also submit proposals for the improvement of laws and regulations. As the MCA is the co-ordinating authority, inspectors would if necessary inform the appropriate MCA Headquarters division.

More detailed guidance on working and living conditions is available from other sources such as the Instructions for the Guidance of Surveyors (Survey of Crew Accommodation in Merchant Ships), various Statutory Instruments, Marine Guidance Notices and Merchant Shipping Notices. The Manual for PSC Officers and Inspection and Enforcement Policy also contain relevant guidance but are not available to anyone outside MCA. Therefore wherever possible cross-references are given to relevant documents and sections of various manuals which are available in the public domain.

Organisation of Inspections

Wherever possible inspections will be carried out at the same time as Safety Management (ISM) Code Audits to minimise the inconvenience to ship owners and masters. For ships not covered by the ISM Code Audits, inspections will be carried out in conjunction with other surveys or other targeted inspections. Sufficient time should be allowed to carry out the inspection to a level that indicates compliance with the various aspects. The time spent on the inspection will be non-chargeable unless a revisit is required or the inspection needs to be carried out overseas at a time other than when other surveys or audits are required. Inspections should be duly recorded under the appropriate MCA time recording number.

Scope of Inspections

Maintenance and cleanliness of shipboard working and living areas
Minimum Age
Articles of Agreement (Crew Agreements)
Food and Catering
Crew Accommodation
Recruitment
Manning
Qualifications
Hours of Work
Medical Certificates Prevention of Occupational Accidents
Medical Care
Sickness and Injury Benefits
Social Welfare
Repatriation
Terms and Conditions of Employment
Freedom of Association

While the majority of the obligations under the Convention are the responsibility of the MCA to enforce some obligations will fall in the purview of other government departments. Where cross-departmental enforcement of these obligations occurs Inspectors should seek to inform the appropriate authority accordingly.

Records of Inspection

Inspectors should complete an ILO 178 specific inspection report (MSF 1656). If there are ILO related deficiencies found, inspectors should also complete a general inspection report (MSF 1602/03) according to standard inspection procedures, using the appropriate codes. The report(s) will then be given to the Master of the ship. **Members of crew must have access to the ILO 178 inspection report.** The Inspector should therefore ensure that a copy of MSF 1656 is posted on the ships' notice board by the Master and that he is informed accordingly. A copy may also be sent to seafarers' representative where this is requested and contact details are provided. A file copy of the ILO 178 inspection report will be retained in the local marine office.

Inspectors should use discretion to give a warning and advice instead of instituting or recommending formal proceedings. However if there are grounds to believe that a deficiency constitutes a significant danger to seafarers' health and safety, the ship, subject to a right of appeal, may be detained until appropriate remedial action has been taken.

Confirmation should be sought from the owners that deficiencies have been rectified.

Fees

As previously stated a fee will be charged only in the case of a re-visit, or if the inspection needs to be carried out overseas at a time other than when other surveys or audits are required. Ship owners should be informed that the time required to complete a stand alone ILO inspection will be greater than if carried out in conjunction with an ISM audit.

Maintenance and cleanliness of shipboard working and living areas

The Inspector should inspect conditions and standards of maintenance of all shipboard working and living areas. Attention should be given to heating, ventilation, lighting systems and other aspects likely to affect the safety and health of crewmembers. Where there is reason for example for an Inspector to believe that products or cargo, provisions, materials and substances used or handled are causing a risk to working and living conditions then samples may be taken for analysis. Taking samples for analysis is a specialised activity and should not be carried out by Inspectors. The ship's Master or company representative will be informed before any such action is taken and where appropriate the seafarers or their representatives.

Minimum Age

No person below the age of 16 may be employed in any UK ship. Young persons between the age of 16 and 18 years may be employed subject to the following conditions.

- The person is identified on the list of “young persons”
- There are appropriate measures to protect young persons at work including a proper risk assessment and that the person is fully informed
- 16-18 year olds may not work at night unless as part of an established training programme
- Health monitoring required if person is required to work at night or the risk assessment shows that the person is at risk
- Rest periods of at least 12 consecutive hours in every 24 hr period and 2 days in every week are provided
- Valid medical certificate

SI 1998/2411 (MGN 88) - H&SW Employment of Young Persons Regulations
SI 2002/2125 Hours of Work Regulations
S.55 of MSA 1995

Articles of Agreement (Crew Agreements)

Crew Agreements must be MCA approved. They can be either standard pre approved agreements as shown in MGN 148 or an agreement specifically approved by MCA (i.e non standard). Where further advice is required, a copy can be sent to HQ Seafarers Health and Safety Branch who can provide further specialist help.

The agreement or a certified copy should be aboard the vessel and a copy must also be posted where it can be easily read by all crewmembers. Regulations require that a copy of crew lists be maintained at an address in the UK.

- Crew Agreements should be duly signed by shipowner/master and seafarers.
- The Agreement should clearly state the rights and obligations of each party.
- Full particulars of seafarers should be shown on the List of Crew, comprised in the crew agreement including rates of pay.
- Indefinite agreements must state the maximum period that a seafarer can be required to remain on board between leave periods. Duty rosters may provide the details.
- In certain circumstances, generally where vessels only spend short periods at sea e.g. dredgers, tugs, sludge vessels, etc, an exemption from the requirement to have a crew agreement may be granted. Current exemptions are included on the exemption database and are time limited. A copy of the exemption is also required to be carried on the vessel to which it relates. There may however be older cases where there is no time limit, or references to legislation are out of date. Should such an exemption be found HQ Seafarers Health and Safety Branch should be advised to enable them to follow the matter up with the vessel operator.
- Where crew work a regular rota of work/leave, e.g. ferries, tugs etc, a dispensation may be granted to permit them to go on leave/return from leave without having to sign on/off the crew agreement. Current dispensations are time limited but older ones are not. A copy of the Dispensation is required to be carried on the vessel to which it relates. Should an older Dispensation be found HQ Seafarers Health and Safety Branch should be advised to enable them to follow the matter up with the vessel operator.

SI 1991/2144 - Crew Agreements, Lists of Crew and Discharge of Seamen Regulations
MGN 148 - Approval of Crew Agreements

Food Catering and Hygiene

Account should be taken of the number of persons on board the vessel and that conditions enable a satisfactory standard of hygiene operation and food safety based on cleanliness, personal hygiene, temperature control and food segregation.

If there are grounds to suspect that food or fresh water is not fit for human consumption and that it would be appropriate to have samples taken and analysed, then Inspectors should contact the local Port Health Office. Taking samples for analysis is a specialised activity and should not be carried out by Inspectors. The ship's Master or company representative will be informed before any such action is taken and where appropriate the seafarers or their representatives.

The following points should be considered during inspections.

- General condition of catering spaces, furniture, equipment, fittings, lighting, ventilation and gutters/scuppers/grease traps.
- Entire areas should be easy to clean.
- Cleanliness of catering personnel and suitable provision for washing and drying hands.
- Sufficient equipment to store, prepare and serve food and clean the galley.
- Measures taken to minimise the risk of harmful food contamination.
- Sufficient amount of food aboard for the duration of the next voyage
- Condition and variety of food.
- Meat store should be kept at a minimum – 18°.
- Proper procedures for defrosting meat.
- Inspect records if available to provide evidence of good practice.
- Food Hygiene training and qualifications.

SI 1989/102 - Provisions & Water Regulations
MGN 61 - Hygiene Guidelines

Crew Accommodation

Crew accommodation should comply with ILO Conventions 92 and 133 and reference should be made to the crew accommodation Instructions for the Guidance of Surveyors. The crew accommodation should be so arranged to ensure adequate security, protection against weather and sea and insulation from heat or cold, undue noise and other air-borne pollution. If a crew accommodation exemption exists it should be checked to ensure that it is current and has an expiry date. Unlimited exemptions relating to crew accommodation are no longer valid and should be referred to HQ Seafarers Health and Safety Branch for appropriate action regarding replacement. Records of when the master last inspected the accommodation should be kept.

Crew Cabins

- Ventilation should maintain a satisfactory air condition.
- Heating system shielded if necessary to avoid danger.
- Shielded lighting including a reading lamp at the head of each berth.
- Watertight integrity at cabin porthole/deadlight
- Sufficient floor area
- Access to cabins is not direct from other working and store spaces
- Berths should be provided with a spring bottom or spring under mattress and a top mattress of a suitable material, or a suitably resilient mattress fitted on a ventilated base.
- Furniture and fittings in cabins should provide a reasonable level of comfort and facilitate tidiness.

Mess-rooms and Recreational Spaces

Size of mess-room, equipment, tables and seats should be sufficient for the number of persons likely to use it at any one time. If recreational facilities are not provided separately from the mess room, it should provide additional facilities for reading and writing. Working facilities in the mess-room should include:

- Cold drinking water supply
- Sink
- Kettle or water boiler
- Refrigerator
- Toaster

On ships of 8000 tons and over, there should be facilities for watching films and television, a separate hobbies and games room, and where practicable a separate swimming pool.

In every ship, deck space permanently reserved for the use of the crew for recreational purposes to be provided on an open deck. The space should be adequate with regard to the number of crew and the size of the ship.

Sanitary Facilities

Sanitary accommodation should have sufficient lighting, heating and ventilation and provide adequate drainage with cold and hot fresh water available in all wash spaces. Decks, bulkheads, partitions etc should be impervious to damp and easily cleaned.

Where there are no private/semi private sanitary accommodation for crew, the following ratio should be applied. One shower, washbasin, mirror and toilet should be provided for every 6 persons or less. Minimum number of toilets: under 800 tons - 3 toilets, 800 tons or over but under 3,000 tons - 4 toilets, 3,000 tons or over - 6 toilets.

- Hot and cold hand wash and drying facilities
- Toilet exhaust ventilation should be independent and direct to the open air
- Toilets should have an ample flush of water, independently controlled
- Sufficient screening to ensure privacy
- Anti-scalding mixing valve for showers
- Adequate drainage to ensure the free discharge of water from deck.

Where women seafarers are on board, there ought to be facilities for disposal of used sanitary towels and supplies of sanitary towels in the stores.

Facilities for Washing and Drying Clothes (Wash Room)

- Suitable sinks and washing machines with an adequate supply of cold and hot fresh water
- Drying machines and/or room adequately heated and ventilated with means for hanging clothes
- Sufficient ventilated compartments/lockers for hanging oilskins.

Miscellaneous Items relating to Crew Accommodation

Sickbay/Hospital required for a ship which is intended to be at sea for a continuous period of more than 3 days and with a crew of 15 or more persons. WC and washbasin should be provided within the confines of the hospital accommodation. The hospital must not be used as an extra cabin.

Secure medical locker suitable for the storage of medicines.

Lockers for oilskins and working clothes should be well ventilated accommodation outside but convenient to cabins.

Mosquito Protection - if ships are trading to mosquito-infested ports, suitable screening should be available to be fitted to all doors, ventilators etc capable of being opened.

Offices - in every ship of 3,000 tons or over, two appropriately furnished rooms to be provided solely for use as offices.

Masters Inspections - weekly and recorded in Official Log Book

Vermin - if there are signs of cockroach or other vermin check to establish control measures in place.

SI 1997 No 1508 - Crew Accommodation Regulations
MSN 1214 – Recommendation to prevent Freshwater Contamination
Crew Accommodation Instructions - various Sections in Chapter 2

Supply of Drinking Water and Fresh Water

Ships often use shoreside hoses, if possible check that they are watertight and stored and capped in a secure area. Physically check quality of water at random using different outlets. It should be fresh, clear and without taint. Maintenance records - in a complex system there should be documentary evidence available detailing maintenance arrangements for each tank and principal unit in the system. Records of when the water was last chlorinated should be checked. Failure to keep records could be a deficiency issue. Other points to note.

- Hot water should be stored at a temperature of at least 60°C* and delivered at tap outlet at a temperature no higher than 50°C to avoid scalding.
- Piping should be insulated where hot and cold pipes run together
- Storage tanks should be cleaned and disinfected at 12 monthly intervals
- Shower heads to be regularly cleaned and disinfected (recommend 3 monthly intervals)

* SI 1997/1508 - MS Crew Accommodation Regulations requires a constant temperature of at least 66°C but other official sources stipulate 60°C.
MSN 1214 Recommendations to Prevent Freshwater Contamination
MSN 1401 - Disinfecting Fresh Water
WHO Guide to Ship Sanitation (New Guide currently in draft form)
BS EN ISO 15748-1:2002
BS EN ISO 15748-2:2002
HSC Approved Code of Practice - The Control of Legionella Bacteria in Water Systems

Air Conditioning Systems

In complex systems there should be documentary evidence available detailing maintenance arrangements. Filters should be inspected weekly and cleaning is recommended at intervals of not more than 3 months.

MGN 38 + Amend – Contamination of Ship's AC system by Legionella bacteria
HSE Approved Code of Practice - The Control of Legionella Bacteria in Water Systems

Waste Disposal

If applicable the shipboard incinerator should meet the standard specification developed by IMO. Look for evidence of maintenance of sewage treatment facilities.

MGN 143 - Marpol 73/78 Annex VI

Garbage - suitable secure storage arrangements for retention of garbage (this is particularly relevant on passenger ships). Food Waste - disposal into the sea not less than 12 miles from land or not less than 3 miles if passed through a suitable grinder.

SI 1998/1377 – Prevention of Pollution by Garbage Regulations
MSN 1720 - As above

Recruitment

Employment agencies operating in the UK including those recruiting seafarers, are required to meet the minimum standards of conduct established under the Employment Agencies Act 1973 and associated regulations. This legislation seeks to protect those using agency services.

Manning

According to Safe Manning Document

SI 1997/1911 - Training, Certification and Safe Manning Regulations
SI 1997/1320 + SI 2000/484 - Safe Manning, Hours of Work and Watchkeeping Regulations
+ MSN 1767 - Safe Manning, Hours of Work and Watchkeeping
MSF 4232 - Safe Manning Document for a UK Registered Sea-going Ship

Qualifications and Training

All according to STCW 1995 standards and the ISM Code (section 6).

SI 1970/294 - Certificate of Competency as AB Regulations
SI 1981/1076 - Ship's Cooks Regulations
SI 1997/348 + SI 1997/1911 - Training and Certification Regulations
Various MGNs

Hours of Work

Minimum hours of rest to be not less than 10 hours in any 24 hour period, and 77 hours in any 7 day period. Daily Minimum Hours of rest may be divided into no more than 2 periods, one of which should be at least 6 hours in length and the interval between consecutive period of rest is not to exceed 14 hours.

There is no provision for exemptions from the Regulations but exceptions to the hours of rest based on a collective agreement or a workforce agreement may, subject to certain conditions, be authorised by the MCA.

A table or schedule of duties setting out the hours of work and rest periods should be posted up and records of hours of rest maintained for each seafarer serving on the ship.

Guidance on Fatigue Mitigation and Management is contained in IMO Circular MSC 1014, available under "Publications" on MCA's web site (www.mcga.gov.uk).

In some cases Inspectors may come across a complete lack of records or potentially falsified records. In such cases it may be useful to refer to the IMO Circular as an aid to understanding and recognising signs of fatigue amongst crew

SI 1997/1320 - Safe Manning, Hours of Work and Watchkeeping Regulations
SI 2000/484 - Amendment to above
SI 2002/2125 + MSN 1767 - Hours of Work Regulations

IMO MSC Circular MSC/Circ 1014 of 12 June 2001 - Guidance on Fatigue Mitigation and Management.

Medical Certification All seafarers to have valid medical certificate. Period of validity 2 years unless young person under 18 in which case it is one year.

SI 2002/2055 - Medical Examination Regulations
MSN 1765 - Seafarer Medical Examination system and Medical and Eyesight Standards
MGN 219 - Seafarers Medical Examinations - Guidance for Employers and Manning Agencies
MGN 112 - New and Expectant Mothers

Prevention of Occupational Accidents

The importance of good housekeeping in the prevention of all types of accidents and conditions likely to be injurious to health should be given proper priority in the training of every member of the crew. Key areas to specify measures for the prevention of accidents are listed. Check risk assessments and if appropriate health surveillance (see comments under Medical Care).

- Structural features of the Ship
- Machinery
- Noise and air pollution
- Special safety measures on and below deck
- Loading and unloading equipment/cargo
- Fire prevention and fire-fighting
- Anchors, chains and lines
- Dangerous cargo and ballast
- Personal protective equipment for seafarers
- Health & Safety Committee

SI 1988/1641 - Safe Movement aboard Ships
SI 1988/1636 - Guarding of Machinery and Electrical Equipment
MSN 1415 - CoP for Noise Levels in Ships
IMO CoP - Noise Levels on Board Ships (Recommendations only)
SI 1988/1637/1638 - Means of Access and Entry into Dangerous Spaces
SI 1988/1639 - Hatches and Lifting Plant
SIs 1998/1011/1012 and 1999/992 - Fire Protection
SI 1998/2857 + MGN 90 - Manual Handling Regulations
SIs 1994/2464, 1996/3010, 1997/2367, 1998/1153 - Dangerous Cargo and Ballast
SI 1999/2205 + MSN 1731- PPE for Seafarers
SI 1997/2962 + MGN 20 - Health & Safety at Work Regulations
Code of Safe Working Practices for Merchant Seafarers

Injuries resulting from slip, trip and fall accidents continue to be the most common kind of non-fatal major injury to all workers and evidence should be available to show that all reasonable precautions are taken to minimise such accidents. For example possible hazards should be conspicuous by means of colouring, marking or lighting. Walkways on deck should be delineated by painted lines and indicated by signs. Lifelines should be available to be rigged securely across open decks when rough weather is expected. Open hatches should be protected by means of a fence.

Personal Protective Equipment (PPE) should be carefully checked to ensure that crew are provided with suitable gear or clothing according to EN or BS standards, that it is properly maintained and that it is appropriate to any process or activity involving a reasonably foreseeable risk. Crew must receive adequate training so that they are aware of the risks against which the PPE is designed to protect them and they should be able to demonstrate their knowledge on how and when to use it.

An effective safety committee regime on board should encompass these areas. On every ship where more than 5 workers are employed, there should be a safety officer, a safety representative and a safety committee. There should be a clear link between ship and shore to ensure health and safety issues arising are fully considered and that the appropriate rectifying action is taken where required. Minutes of meetings should provide a reliable source of current issues.

Medical Care

Health surveillance is required where “young persons” are required to work at night or the risk assessment shows that the young person is at risk. Also when risk assessments for all persons identify that:

- A particular work activity may cause ill health
- An identifiable disease or adverse health conditions is related to the work
- Recognised testing methods are available for early detection of an occupational disease or condition
- There is a reasonable likelihood that a disease or condition may occur in relation to particular working conditions
- Surveillance is likely to further the protection of workers’ health

Medical Care - Other

- Medical Stores
- Copy of Ship Captain’s Medical Guide
- Validity of Medical certificates
- Qualified doctor if there are more than 100 persons on board and ship is on international voyage of more than 3 days or on a voyage where it is more than one and a half days’ sailing time from a port with adequate medical equipment.
- Hospital if required - note ships of 500 grt and over carrying a crew of 15 or more and engaged in a voyage of more than 3 days duration (not coastal voyages) to have separate hospital.
- Medical, dental or optical treatment availability

MGN 20 - Annex 2 - Health Surveillance MGN 91 - Training and Certification Guidance - Part 1 CoC for General Requirements for Certification and Medical Fitness MSN 1768 - Medical Stores SI 1995/1803 - Ships Doctors Regulations

Sickness and Injury Benefits

Seafarers who are resident or domiciled in the UK are covered by domestic legislation. European and other nationality seafarers may be covered by their own domestic legislation

Social Welfare and Related Matters

Unless indicated otherwise in this guidance MCA is not responsible for the enforcement of welfare matters beyond protecting seafarers safety and health consideration. Such welfare matters may be the responsibility of other government departments to which they should be referred. There may also be welfare matters which fall outside of legislation. For such issues it may be more appropriately dealt with by voluntary organisations such as the unions (e.g NUMAST and RMT) or the various seafarers missions (e.g Mission to Seafarers, Apostleship of the Sea, British or International Sailors Society etc) or the Merchant Navy Welfare Board, which is an umbrella organisation with membership of shipowners, unions and maritime welfare organisations.

Repatriation

Several conditions apply but in general the employer is responsible for repatriation costs and for the seafarer's relief and maintenance until his return. The employer will not be liable if a seafarer is absent for a period of more than 3 months from the date he was left behind if, during that period, the employer did not know and could not reasonably have known of the seafarer's whereabouts. Wages due to be paid by the employer or Master within 28 days from the time he was repatriated.

There is also provision under Section 73 of the Merchant Shipping Act for a proper officer or superintendent to make the necessary provisions for the return, relief and maintenance of a seafarer shipwrecked or left behind when the employer fails to make sufficient provision.

SI 1979/97 - Repatriation Regulations

Terms and Conditions of Employment

Unless specific reference is made elsewhere (for example in relation to Crew Agreements), enforcement of matters concerning wages and other conditions of employment are not the responsibility of MCA, but where appropriate other organisations should be informed. The following information does however apply. MS Regulations provide for at least 4 weeks paid annual leave.

Freedom of Association and Protection of the Right to Organise (ILO Convention 87) The Right to Organise and Collective Bargaining (ILO Convention 98)

Although not implemented by UK Merchant Shipping legislation, both ILO Conventions have been ratified by the United Kingdom and are covered by domestic legislation. The Conventions make various provisions, including the following.

- Workers and employers have the right to establish and to join organisations of their own choosing without previous authorisation.
- Workers to enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
- Where necessary, measures shall be taken to encourage and promote the full development for voluntary negotiation between respective parties or parties' organisations to regulate terms and conditions of employment by means of collective agreement.
- While there is no absolute legal right for officials of seafarers' representatives organisations to board ships this is in fact common. Such arrangements are a matter between the shipping company and the representative organisations concerned. However, Inspectors should note in the Report any difficulties representatives of seafarers have in being permitted access to ships, taking account of any security issues.

Inspectors should also be aware of the following points based on advice from the Department of Trade & Industry and legal advice by DfT lawyers.

- There is nothing in the ILO Conventions that compels an employer to bargain collectively.
- By tradition industrial relations in the UK are based on voluntary principles.
- Article 1(7)(c) of ILO 178 defines the term “legal provisions” to include collective agreements “upon which the force of law is conferred”. In the UK collective agreements are generally voluntary arrangements entered into between employer and trade union representatives.
- Practice in the UK is to incorporate the terms of collective agreements into individual contracts of employment which are legally enforceable through civil action only. There are no powers therefore to enforce collective bargaining agreements under this Convention.

Handling of complaints

Where a complaint by one or a number of persons has been made and this has come via a Marine Office in accordance with advice contained in MSN 1769 or it arises during inspection it should be investigated. Inspectors should establish that an effort has been made to use the shipboard and company grievance procedures first where this is in place. If a complaint is received and the ship cannot be inspected at a UK port within a reasonably short period determined according to the seriousness of the complaint, this information should be passed to Inspection Branch at Spring Place. Arrangements will be made for an inspection to be carried out on the MCA's behalf by a reliable authority. Failing that arrangements may need to be made for a chargeable visit abroad by an MCA surveyor.

Survey Policy
Directorate of Operations

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