

COMPULSORY PROVISION AND WEARING OF PERSONAL FLOTATION DEVICES ON FISHING VESSELS

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.
- MCA will expect to see a record of any risk assessment and measures put in place.
- Unless it can be demonstrated that the risk of falling overboard has been eliminated, failure to ensure the provision and wearing of Personal Flotation Devices or fall restraint harnesses by all fishermen working on open decks will be considered by the MCA to be a breach of health and safety legislation.

1. Introduction

1.1 The MAIB database on marine accidents between 2000 and 2015 records 139 fatal drowning accidents. Of these, 93 of the casualties were not wearing Personal Flotation Devices (PFDs) and 17 were wearing them. In the remaining 29 cases it was unknown whether PFDs were worn at the time of the accident¹.

1.2 These statistics show that the likelihood of surviving a man overboard incident is five times greater if a PFD is worn.

1.3 Deaths from man overboard incidents are one of the most common causes of death on fishing vessels.

2. Duties of owners, skippers and fishermen

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 *[insert reference]*

(b) Skippers are responsible for the safe operation of the vessel including training and supervising fishermen so that they work safely *[amended regulation 12 in modified Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997]*

2.2 Owners and skippers should also ensure that risks to health and safety are assessed and appropriate safety measures are in place to prevent accidents so far as reasonably practicable, and to minimise the consequences of any accidents that do occur *[[Amended]*

¹ Source: <https://www.gov.uk/government/publications/lifejackets-a-review> which also includes a list of relevant incidents on fishing vessels.

regulation 4 of 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 [*Regulation 4 of the draft Merchant Shipping (Work in Fishing Convention) Regulations*].

3. The risk of falling overboard

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 paragraph 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, MCA has for several years strongly recommended the use of safety harnesses or PFDs when working on deck. This has been published in [*Chapter 6 of MGN 501(F) (and of the draft Code for fishing vessels between 15m and 24m, and paragraph 3.16 and Annex 2 of the draft Code for small fishing vessels (under 15m) and has been repeated in paragraph 3.17 of MSN 1871 and Chapter 6 of both MSN 1872 and MSN 1873 (include if these are published by the time of this MSN)*] which were consulted on at the end of 2016.

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 PFDs are still not being worn.

5.3 With the introduction of the International Labour Organisation Convention on Work in Fishing (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.

5.4 MCA considers 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 eliminating the risk of Man Overboard must be documented in a written risk assessment.

5.2 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. Standards of PPE:

6.1 Manufacturers have done 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.

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

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	<p>A lifebuoy with sufficient line attached ready for immediate use and either a MCA approved lifejacket conforming as appropriate to one of the following, taking into account the area of operation.</p> <p>BS EN ISO 12402-8:2006+A1:2011 and SOLAS <i>Replacing EN 12402-8:2006</i></p> <p>BS EN ISO 12402-3:2006+A1:2010 <i>Replacing EN 12402-3:2006</i></p> <p>BS EN ISO 12402-2:2006+A1:2010 <i>Partially inherent lifejackets must have at least 89 N of inherent buoyancy; and with the inflatable sections relying on automatic inflation</i></p>	<p>Personal flotation devices. Accessories. Safety requirements and test methods</p> <p>Personal flotation devices. Lifejackets, performance level 150. Safety requirements</p> <p>Personal flotation devices. Lifejackets, performance level 275. Safety requirements</p>
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Annex 1 : The Hierarchy of Safety Measures

In putting in place safety measures, the following steps should be considered, in order of effectiveness:

- Elimination – Can the risk be removed?
- Substitution - Can the process or activity be carried out in a different way to reduce the risk?
- Engineering controls – Can fishermen be separated from the hazard (is it possible to put in place guards to stop fishermen falling overboard?) Measures that protect everyone are preferable to those which protect one person at a time.
- Administrative controls – Can arrangements be changed to reduce the time of exposure to the risk, or to stop work at particularly hazardous times?
- Personal Protective Equipment – Where the risk to the individual cannot be adequately reduced by the above measures, personal protective equipment (PPE) must be considered.