

# 13 SAFETY OFFICIALS

## 13.1 Introduction

13.1.1 Every person on board has a responsibility for safety:

- The Company is responsible for ensuring the overall safety of the ship and that safety on board is properly organised and coordinated.
- The master has the day-to-day responsibility for the safe operation of the ship and the safety of those on board.
- Each employer is responsible for the health and safety of their workers.
- Heads of department are responsible for health and safety in their own department.
- Each officer/manager is responsible for health and safety for those they supervise and others affected.
- Each individual seafarer or worker is responsible for their own health and safety and that of anyone affected by their acts and omissions.

13.1.2 Under merchant shipping legislation, specific responsibilities are also given to those with designated roles in ensuring the safety of those on the ship. In this chapter, those with a designated safety role on board are referred to as 'safety officials', and this term includes safety officers, safety representatives and other members of safety committees.

*S.I. 1997/2962*

13.1.3 As described in Chapter 1, Managing occupational health and safety, the development of a positive 'safety culture' and the achievement of high standards of safety depend on good organisation and the whole-hearted support of management and all seafarers. Those with specific safety responsibilities are more likely to perform well when management is clearly committed to health and safety. It is also important that procedures are in place so that all seafarers can cooperate and participate in establishing and maintaining safe working conditions and practices.

13.1.4 Some sections of this chapter apply equally on all ships, whether or not safety officials are appointed or elected by law. Other sections, where indicated, apply only to ships with five or more seafarers, where safety officials are appointed or elected as required by

law. The information and guidance here is designed to assist them in their functions, and to advise companies and masters how to fulfil their duty to assist them.

## 13.2 Employer duties

**13.2.1** This section applies to all ships. Every employer is required to appoint one or more competent persons to promote health and safety in their undertaking. On board some large ships, where there are personnel working who are employed by several different employers, each employer must appoint (a) competent person(s). They do not have to work on the ship themselves, but to be 'competent' for the task they should have a knowledge of the duties undertaken by those for whom they are responsible, and should ensure that any specific risks encountered as a result of that particular working environment are dealt with appropriately, e.g. by checking that the Company has adequate safety procedures for all on board, and by coordinating risk assessments with the Company.

*Reg. 14(1)*

**13.2.2** The employer may 'appoint' themselves where, in a small organisation, there is no one else available to take on this responsibility. Alternatively, they may employ someone from outside their own undertaking to advise on health and safety, provided that person is competent.

**13.2.3** The employer must provide the competent person(s) with all relevant information they need to do their job. This includes a copy of the Company's safety policy and risk assessments, information about the duties of personnel, and any information provided by other employers about risks and safety procedures in shared workplaces.

*Reg. 19(1)*

**13.2.4** The employer is required to consult workers or their elected representatives on health and safety matters, in particular:

- arrangements for the appointment of a competent person;
- the findings of the risk assessment;
- arrangements for health and safety training; and
- the introduction of new technology.

*Reg. 20(1)*

The matters to be discussed might also include the selection of work equipment and/or protective clothing and equipment, installation of safety signs, follow-up to accidents and other incidents, and arrangements for health surveillance.

**13.2.5** Seafarers and other workers on board or their elected representatives must be allowed to make representations to the Company or their employer about health and safety matters without disadvantage to themselves. Such representations should be given adequate consideration, perhaps in conjunction with the safety committee, and any agreed measures to improve safety implemented as soon as reasonably practicable.

**13.2.6** It is also the Company's and the employer's responsibility to ensure that workers or their elected representatives have access to relevant information and advice about health and safety matters from inspection agencies and health and safety authorities and, from their own records, about accidents, serious injuries and dangerous occurrences.

*Reg. 20(3)*

**13.2.7** The Company and the employer must give elected representatives adequate time off normal duties, without loss of pay, to enable them to exercise their rights and carry out their function effectively. Safety representatives must not suffer any disadvantage for undertaking this function.

*Reg. 20(4)*

### **13.3 Company duties**

#### **13.3.1 The regulations**

**13.3.1.1** This section applies only to ships on which five or more seafarers are working. The regulations dealing with safety officials give duties to the Company for the appointment of ships' safety officers (see section 13.3.2 of this Code), the election of safety representatives with specified powers (section 13.3.3) and the appointment of a safety committee (section 13.3.4).

*S.I. 1997/2962, Regs 15–18*

**13.3.1.2** The Secretary of State may grant ad hoc exemptions to specific ships or classes of ships subject to any relevant special conditions. This is to allow different arrangements to be made in cases where the requirements of the regulations would be difficult to apply. An example might be a multi-crew ship with alternate crews working on a regular shift basis. In

considering a request for exemption, the Maritime and Coastguard Agency (MCA) would need to be satisfied that effective alternative arrangements existed, and would make it a condition of the exemption that these were continued.

### 13.3.2 Appointment of safety officers

13.3.2.1 On every seagoing ship on which five or more seafarers are employed, the Company is required to appoint a safety officer. The master must record the appointment of a safety officer – this should be in the official logbook.

#### Reg. 15

13.3.2.2 The safety officer is the safety adviser aboard the ship and can provide valuable assistance to the Company and to all on board in meeting the statutory responsibilities for health and safety. Some training may be provided on board, but the safety officer should have attended a suitable safety officer's training course.

Suitable safety officer training should cover the following topics:

- The tasks of the safety committee.
- The rights and roles of members of the safety committee.
- How to carry out risk assessment and management.
- How to provide the necessary advice to resolve safety concerns or problems and to encourage adherence to prevention principles.
- Supervision of safety tasks assigned to crew and other seafarers on board, and passengers where applicable.
- Accident and incident investigation, analysis and making appropriate corrective and preventative recommendations to prevent their recurrence.
- Human and organisational factors in safety critical work
- How to obtain relevant information on a safe and healthy working environment from the competent authority and the Company.
- Effective means of communication with a multinational crew.
- Recognition of the symptoms of bullying and harassment.
- The commitment required to promote a safe working environment on board.

In addition, the safety officer should be familiar with the following:

- The occupational safety and health policy and programmes used on board.

- The safety tasks assigned to crew and other personnel on board, and passengers where applicable.

The safety officer should be familiar with the principles and practice of risk assessment, and should be available to advise those preparing and reviewing risk assessments. It is recognised that, where the safety officer also has other responsibilities (e.g. chief officer) they may well conduct risk assessments themselves. However, the general principle is that the safety officer takes an independent view of safety on behalf of the Company.

13.3.2.3 Although not prohibited by the regulations, the appointment of the master as the safety officer is not generally advisable. This is because the safety officer is required amongst other duties to make representations and recommendations on health and safety to the master.

13.3.2.4 If possible, the Company should avoid appointing as safety officer anyone to whom the master has delegated the task of giving medical treatment. This is because one of the duties of the safety officer is to investigate incidents, and they would not be able to give proper attention to this function while providing medical treatment for any casualties.

### 13.3.3 Election of safety representatives

13.3.3.1 On every ship on which five or more seafarers are working, the Company must make arrangements for the election of safety representatives. The regulations specify that no safety representative may have fewer than two years' consecutive sea service since attaining the age of 18, which in the case of a safety representative on board a tanker shall include at least six months' service on such a ship.

*Reg. 17*

13.3.3.2 The Company must make rules for the election of safety representatives and cannot disqualify particular persons. It is recommended that the Company should consult with any seafarers' organisation representing seafarers on the ship when making these rules. The master should organise the election of a safety representative within three days of being requested to do so by any two persons entitled to vote.

13.3.3.3 The number of safety representatives who should be elected will vary according to the number of seafarers on board and where appropriate the number of different

departments or working groups. As far as practicable, seafarers at all levels and in all departments should have effective representation.

13.3.3.4 The master must record the election or appointment of every safety representative in writing – this should be either in the official logbook or in the minutes of safety committee meetings (see below).

13.3.3.5 When there is a substantial change in those working on board, the master should remind seafarers of their right to elect new safety representatives.

13.3.3.6 Regulation 17, governing arrangements for the election of safety representatives, does not apply where there are existing agreed arrangements under land-based legislation (The Safety Representatives and Safety Committee Regulations 1977 or The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 or the Health and Safety (Consultation with Employees) Regulations 1996).

#### 13.3.4 Appointment of a safety committee

13.3.4.1 The Company is required to appoint a safety committee on every ship with five or more seafarers. The committee must be chaired by the master, and members will include, as a minimum, the safety officer and any elected safety representatives. If practical, in addition to the Company's competent person, any competent person appointed by other employers should be invited to attend.

##### *Reg. 17(4)*

13.3.4.2 The master must record the appointment of a safety committee in writing – this should normally be in the official logbook or minutes of the committee's meetings.

##### *Reg. 17(5)*

13.3.4.3 The composition of a safety committee recommended above does not preclude the appointment of other temporary members. However, the committee should be kept compact enough to maintain the interest of members and enable it to function efficiently. Where possible, the relevant shore managers with responsibility for safety on board may attend safety committee meetings on board ship and should in any event see the committee's minutes. On short-haul ferries on which different crews work a shift system, a scheme of alternate committee members may be adopted to secure proper representation.

13.3.4.4 Where large numbers of seafarers work in separate departments (e.g. passenger ship galleys and restaurants), departmental sub-committees may be formed on lines similar to those of the main committee and under the chairmanship of a senior member of the department who should serve as a member of the main safety committee in order to report the views of the sub-committee.

13.3.4.5 It is preferable to appoint as secretary someone other than a safety official, as officials need to concentrate on the discussion rather than on recording it.

### 13.3.5 Termination of appointments

13.3.5.1 A safety officer's appointment ends as soon as the officer ceases to work in the particular ship or their appointment is otherwise terminated.

13.3.5.2 The appointment of a safety representative cannot be terminated by the Company, employer or master. They can resign or seafarers can elect another in their place. Otherwise they remain a safety representative for as long as they serve on the ship.

13.3.5.3 A safety committee may be disbanded only when there are fewer than five seafarers working on board the ship. A safety committee can operate whether or not there is an elected safety representative.

13.3.5.4 For ships with fewer than five seafarers on board, the master should ensure that information sharing, training and consultations on health and safety issues are carried out on board.

### 13.3.6 Support for safety officials

13.3.6.1 The Company and master have a duty to facilitate the work of any safety official, providing them with access to a copy of this Code and any relevant legislation, merchant shipping notices and other information, including:

- findings of the risk assessment and measures for protection in place;
- any other factors affecting the health and safety of those working on the ship;
- details of firefighting, first aid and other emergency procedures; and
- statistical information taken into account when conducting risk assessments.

13.3.6.2 Relevant information might include that concerning dangerous cargoes, maintenance work, the hazards of machinery, plant and equipment, processes and substances in use, and appropriate precautions. This will require coordination with all employers to obtain information about the findings of their risk assessment.

13.3.6.3 The Company and master, in cooperation with other employers, must also ensure that safety officials have the necessary resources and means. This will include providing any necessary accommodation and office supplies. They should also allow them sufficient time off from their duties without loss of pay, to enable them to fulfil their functions or undertake any necessary health and safety training.

### 13.3.7 Company recording of accidents

13.3.7.1 On a ship where no safety officer is appointed under the regulations, the Company must ensure that a record is kept of all incidents resulting in death, or serious injury as defined in the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012. This record must be available on request to any elected representative, and any person duly authorised by the Secretary of State.

*Reg. 19(2)*

*S.I. 2012/1743 as amended*

### 13.3.8 Receiving representations about health and safety

13.3.8.1 The Company and employers must enable seafarers and others working on board or their elected representatives to make representations about health and safety, and should also accept representations or recommendations from the safety officer. The Company and master will also receive representations from competent persons appointed under regulation 15, safety officers and safety committees. These should be carefully considered and any agreed measures should be implemented as soon as reasonably practicable.

13.3.8.2 The reaction to such representations will be seen as a measure of commitment to health and safety on board. All representations received, from any source, should be considered carefully. If there is likely to be a delay in giving an answer, then whoever has made the representations should be informed as soon as possible. Safety suggestions should be implemented, when it is feasible and reasonable to do so, as soon as reasonably practicable. If suggestions for health and safety measures are rejected, reasons should be



given in writing. It is a good practice to acknowledge all suggestions put forward, whether or not a written response is needed.

13.3.8.3 It is most important that the master takes a close interest in the work of the safety officials on board. The master should check that the safety officer is fulfilling their duties effectively, but should also give encouragement and support. The master is in much the best position to ensure that the committee works successfully, by encouraging participation and cooperation from all members.

13.3.8.4 The accident reporting regulations govern when an incident should be reported to the Marine Accident Investigation Branch (MAIB) of the Department for Transport. It may sometimes be appropriate for the Company to inform other ships in the fleet of an incident, and give appropriate recommendations on action to be taken, in accordance with the Company's safety management system.

*S.I. 2012/1743 as amended*

## 13.4 Duties of safety officers

*S.I. 1997/2962, Reg. 16*

### 13.4.1 General advice to safety officers

13.4.1.1 It is very important that the safety officer maintains a good working relationship with safety representatives by, for example, inviting the relevant safety representatives to join in the regular inspection of each part of the ship or, while carrying out an investigation, consulting them on safety matters and arrangements, and in particular on any follow-up action proposed.

13.4.1.2 The safety officer's relationship with the safety committee is rather different since the safety officer is both a member of the committee and also to some extent subject to its direction. A committee has the right to inspect any of the records that a safety officer is required by law to keep, and has the power to require the safety officer to carry out any health or safety inspections considered necessary.

### 13.4.2 Advice on compliance with safety requirements

13.4.2.1 The safety officer is required by the regulations to try to ensure compliance with the provisions of this Code and any health and safety guidance and instructions for the ship.

*Reg. 16*

13.4.2.2 The safety officer's role should be a positive one, seeking to initiate or develop safety measures before an incident occurs rather than afterwards. The safety officer should do the following:

- Be on the lookout for any potential hazards and the means of preventing incidents.
- Try to develop and sustain a high level of safety consciousness among seafarers so that individuals work and react instinctively in a safe manner and have full regard to the safety not only of themselves but also of others. The objective is to become the ship's adviser on safety to whom the master, officers and all seafarers will naturally turn for advice or help on safe working procedures.
- Where unsafe practice is observed, approach the individual or responsible officer concerned to suggest improvements in the method of working or use the safety committee to discuss examples of dangerous or unsafe practices in a particular area. If this brings no improvement, the safety officer should consider approaching the head of department or, as a last resort, the master to use their influence.
- Ensure that each worker joining the ship is instructed in all relevant health and safety arrangements, and of the importance attached to them before starting work. A suggested outline for this induction is given in Chapter 2, Safety induction.
- Where possible, ensure that arrangements are made for each new entrant to work with a seafarer who is thoroughly safety conscious.
- Remind experienced seafarers joining the ship for the first time of the importance of a high level of safety consciousness and of setting a good example to less experienced seafarers.

13.4.2.3 The safety officer should also promote safety on board, subject to the agreement of the master, by:

- arranging the distribution of booklets, leaflets and other advisory material on safety matters;
- supervising the display of posters and notices, replacing and renewing them regularly;
- arranging for the showing of films on safety publicity and, where appropriate, organising subsequent discussions on the subjects depicted;
- encouraging seafarers to submit ideas and suggestions for improving safety and enlisting their support for any proposed safety measures which may affect them (the person making a suggestion should always be informed of decisions reached and any action taken); and

- effectively communicating new requirements or advice in relevant shipping legislation, marine notices and Company and ship's rules and instructions relating to safety at work about the ship.

### 13.4.3 Investigation of accidents and dangerous occurrences

13.4.3.1 The safety officer has a duty to investigate notifiable accidents or dangerous occurrences affecting persons on board ship or during access, as well as potential hazards to health and safety and any reasonable complaints made by any personnel, and to make recommendations to the master. It is good practice to record and investigate as appropriate all incidents reported by personnel or passengers.

13.4.3.2 Additional health or safety investigations or inspections may be commissioned by the safety committee.

### 13.4.4 Safety inspections

13.4.4.1 The regulations require the safety officer to ensure that health and safety inspections of each accessible part of the ship are carried out at least once every three months, or more frequently if there have been substantial changes in the conditions of work.

13.4.4.2 'Accessible' should be taken as meaning all those parts of the ship to which any seafarer has access without prior authority.

13.4.4.3 Deciding whether 'substantial changes in the conditions of work' have taken place is a matter of judgement. Changes are not limited to physical matters such as new machinery but can also include changes in working practices or the presence of possible new hazards. A record should be kept of all inspections.

13.4.4.4 It is not necessary to complete an inspection of the whole ship at one time, as long as each accessible part of the ship is inspected every three months. It may be easier to get quick and effective action on recommendations arising out of an inspection if one section is dealt with at a time. The safety officer should ensure that the inspections are carried out when necessary. Before beginning any inspection, previous reports of inspections of the particular section should be read, together with the recommendations made and the subsequent action taken. The control measures identified in any relevant risk assessment should also be read, and compliance with them checked during the inspection. Any recurring

problems should be noted and, in particular, recommendations for actions that have not been put into place. It is important, however, not to allow the findings of previous inspections to prejudice any new recommendations.

13.4.4.5 It is not possible to give a definitive checklist of everything to look for but safe access, the environment and working conditions are major items. Suggestions for consideration on these particular issues are given in Annex 13.1.

13.4.4.6 The safety officer is required to make representations and where appropriate recommendations to the master, and through the master to the Company, about any deficiency in the ship in respect of statutory requirements relating to health and safety, relevant merchant shipping notices and the provisions of this Code.

13.4.4.7 In order to fulfil this function properly, the safety officer needs to be familiar with the appropriate regulations. The introduction of new regulations or of amendments to existing regulations will be announced in marine notices issued by the MCA.

#### 13.4.5 Record of accidents and dangerous occurrences

13.4.5.1 The safety officer must maintain a record of all accidents and dangerous occurrences in accordance with procedures in the ship's safety management system. On a ship where no safety officer is appointed, this duty falls to the Company. These records must be made available on request to any safety representative, the master or to any person duly authorised by the Secretary of State.

#### 13.4.6 Duty to stop dangerous work

13.4.6.1 The safety officer has a duty to stop any work in progress which they reasonably believe may cause an accident and immediately inform the master (or a nominated deputy) who is responsible for deciding when work can safely be resumed.

##### *Reg. 16(1)9f*

13.4.6.2 This does not apply to an emergency action to safeguard life even though that action itself may involve a risk to life. The safety officer is not required by these regulations to carry out their duties to inspect, keep records or make recommendations at a time when emergency action to safeguard life or the ship is being taken.

13.4.6.3 The safety officer should also encourage other seafarers to stop any work that the seafarer reasonably believes could cause an accident.

## 13.5 Powers of safety representatives

13.5.1 Unlike the safety officer, the safety representative has powers not duties, although membership of the safety committee imposes certain obligations.

13.5.2 Safety representatives may, with the agreement of the safety officer, participate in investigations and inspections carried out by the safety officer or, after notifying the master or a nominated deputy, may carry out their own investigation or inspection.

13.5.3 They may also make representations to the Company or the relevant employer on potential hazards and dangerous occurrences, and to the master, Company or employer on general health and safety matters, such as the findings of the risk assessment, health and safety training, and the introduction of new technology.

13.5.4 They may request, through the safety committee, that the safety officer undertakes an investigation and reports back to them, and may inspect any of the records the safety officer is required to keep under the regulations. They should ensure that they see all incident reports submitted to the MAIB under the accident reporting regulations (see section 13.3.8.4).

## 13.6 Advice to safety representatives

13.6.1 Safety representatives should be familiar with the relevant safety regulations and guidance for UK ships, regulations, marine notices and guidance issued by the MCA.

13.6.2 The effectiveness of safety representatives will depend to a large extent on good cooperation between them, the Company, other employers, the master, heads of department and safety officer.

13.6.3 Safety representatives should:

- put forward their views and recommendations in a firm but reasonable and helpful manner;
- be sure of the facts;

- be aware of the legal position; and
- be conscious of what is reasonably practicable.

13.6.4 Having made recommendations, they should request to be kept informed of any follow-up actions taken, or the reasons why such action was not possible.

13.6.5 If a safety representative finds that their efforts are being obstructed, or they are denied facilities, they should bring the matter to the attention of the safety officer or of the master through the safety committee. It should be the aim to settle any difficulties on board ship or through the relevant employer or the Company. If this proves impossible, the problem should be referred to the trade union or to the MCA.

### 13.7 Advice to safety committees

13.7.1 The safety committee is a forum for consultation between the master, safety officials and others of matters relating to health and safety. It may be used by individual employers for consultation with the Company and seafarers. Its effectiveness will depend on the commitment of its members, in particular that of the master. Because of its broad membership, and with the master as its chairman, the committee has the means to take effective action in all matters which it discusses other than those requiring the authorisation of the Company and individual employers. Safety committee meetings should not be used for the purposes of instruction or training.

13.7.2 The frequency of meetings will be determined by circumstances, but the committee should meet regularly, taking into account the pattern of operation of the ship and the arrangement for manning and with sufficient frequency to ensure continuous improvement in safety. In particular, a meeting should also be held after any serious incident or accident on the ship, if the normal meeting is not due within a week.

13.7.3 An agenda (together with any associated documents and papers, and the minutes of the previous meeting) should be circulated to all committee members in sufficient time to enable them to digest the contents and to prepare for the meeting.

13.7.4 If there is a particularly long agenda, it may be better to hold two meetings in fairly quick succession rather than one long one. If two meetings are held, priority at the first meeting should, of course, be given to the more urgent matters.

13.7.5 The first item on the agenda should always be the minutes of the previous meeting. This allows any correction to the minutes to be recorded and gives the opportunity to report any follow-up action taken.

13.7.6 The last item but one should be 'any other business'. This enables last-minute items to be introduced, and prevents the written agenda being a stop on discussion. Any other business should be limited to important issues that have arisen since the agenda was prepared. All other items should be submitted for inclusion in the agenda of the next meeting.

13.7.7 The last item on the agenda should be the date, time and place of the next meeting.

13.7.8 Minutes of each meeting should record concisely the business discussed and conclusions reached. A copy should be provided to each committee member. They should be agreed as soon after the meeting as possible, or amended if necessary, and then agreed under the first agenda item of the following meeting (see section 13.7.5).

13.7.9 A minutes file or book should be maintained, together with a summary of recommendations recording the conclusions reached, in order to provide a permanent source of reference and so ensuring continuity should there be changes in personnel serving on the committee.

13.7.10 All seafarers should be kept informed on matters of interest which have been discussed, e.g. by posting summaries or extracts from the minutes on the ship's noticeboards. Suggestions may be stimulated by similarly posting the agenda in advance of meetings.

13.7.11 Relevant extracts of agreed minutes should be forwarded through the master to the Company and, where appropriate, individual employers, even when the matters referred to have already been taken up with them. A record of response or action taken by the Company should be maintained.

## 13.8 Accident investigation

13.8.1 The investigation of accidents and incidents plays a very important part in safety. It is by the identification and study of accidents principally through the MAIB's accident reporting system that similar events may be prevented in future.

*S.I. 2012/1743*

13.8.2 Marine guidance note (MGN) 458(M+F) provides guidance on how to comply with the statutory requirements.

13.8.3 The master is responsible for the statutory reporting of accidents and dangerous occurrences covered by the regulations. Where a safety officer is on board, however, it is their statutory duty to investigate every such incident and it is expected that the master will rely extensively on the results and record of the safety officer's investigation when completing their report. The various stages of the typical investigation might proceed as follows:

*S.I. 1997/2962, Reg. 16(1)(b)*

- When an incident occurs, priority must be given to the safety of the injured and of those assisting them, and to the immediate safety of the area. When sufficient help is available, however, the safety officer should, if possible, avoid involvement with the rescue operation and concentrate on establishing the immediate facts concerning the incident.
- First, the names should be recorded – and addresses in case of non-crew personnel – of all those present in the vicinity of the incident. Not all are likely to be witnesses to the actual incident but this can be ascertained later. The position of the injured should be noted and marked, and the use and condition of any protective clothing, equipment or tools, etc. likely to have been in use. Any portable items that might have some relevance to the investigation should be put into safe storage. Sketches and photographs are often useful.
- When the injured have been removed, the safety officer should carry out a more detailed examination at the scene of the incident, watching out for any changes that might have occurred since the incident and any remaining hazards.

13.8.4 The points to look out for will depend on the circumstances. For example, after an incident during boarding, the following should be noted:

- Compliance with control measures identified by the risk assessment.



- The type of access equipment in use.
- The origin of the access equipment, e.g. ship's own, provided from shore.
- The condition of the access equipment itself, noting particularly any damage such as a broken guardrail or rung. The position and extent of any damage should be examined so that it may be compared with witnesses' statements, and it should be noted whether the damage was present before, or occurred during or as a result of the incident. (If the damage was present before the incident it might have been potentially dangerous but it may not necessarily have been a factor in the particular incident.)
- Any effect of external factors on the condition of the equipment, e.g. ice, water or oil on the surface.
- The deployment of the equipment, i.e. the location of the quayside and shipboard ends of the equipment.
- The rigging of the equipment, the method of securing, the approximate angle of inclination.
- The use of ancillary equipment (safety net, lifebuoy and lifeline, lighting).
- The safety of shipboard and quayside approaches to the equipment, e.g. adequate guardrails, obstructions and obstacles.
- Any indication of how the incident might have happened, but remember that subsequent interviews with witnesses must be approached with an open mind.
- The weather conditions at the time.
- Distances where these are likely to be helpful or relevant.

For all incidents, human and organisational factors which may have contributed to the accident should be considered. MGN 520(M) includes common factors in accidents. The following are examples of issues which may be relevant:

#### Individual factors

- Honest errors and mistakes versus violations and recklessness

#### Job factors

- physiological and psychological problems caused by the ship environment (for example, noise affecting communication; vibration; changes in workload/duties;
- working pattern and likelihood of fatigue and stress;
- any recent technical changes and the associated training or instruction;
- job and equipment design
- effectiveness of procedures
- performance influencing factors
- teamwork and communication

human failures;

Organisational factors

- policies, organisation, culture;
- recruitment, competence assurance;
- bullying and harassment.

13.8.5 Interviews of witnesses should take place as soon as possible after the incident when memories are still fresh. There may be people who were not actually witnesses but who may nevertheless have valuable contributions to make, e.g. a seafarer who was present when an order was given. These persons should not be overlooked. If it is not possible for some reason to interview a particular person, they should be asked to send the safety officer their own account of the incident.

13.8.6 The actual interview should be carried out in an informal atmosphere designed to put the witness at their ease. To start with, the safety officer should explain the purpose of

the interview and obtain some details of the witness's background. It is important to keep any personal bias out of the interview. The witness should be asked to relate the event in their own way with as few interruptions as possible. The accuracy of what is said should be tested. There may, for example, be discrepancies between the account of one witness and those of other witnesses, between different parts of a statement, or with the safety officer's own observations, which the safety officer may want to query. Leading questions implying an answer should be avoided, as should simple questions requiring only a yes/no answer which save the witness from thinking about what they are saying. Finally, the safety officer should go over the statement with the witness to ensure that it has been accurately recorded.

**13.8.7** Statements for signature by the witness should be prepared as quickly as possible but if the witness changes their mind about signing a statement, it should be annotated by the safety officer that it has been prepared on the basis of an interview with the witness who had subsequently declined to sign it or comment further. Where the witness asks for extensive alterations to the original statement a fresh statement may have to be prepared, but the original statement should be annotated by the safety officer and retained.

**13.8.8** It is helpful to adopt a standard format for statements by incident witnesses. A suggested format is at Annex 13.2.

**13.8.9** It is worth emphasising the importance of distinguishing between facts and opinions. Facts can normally be supported by evidence whereas opinions are personal beliefs. An investigation must depend on the facts gathered but opinions can be helpful in pursuing a particular line of enquiry and should not be disregarded.

**13.8.10** Any record of incidents and dangerous occurrences (see section 13.4.5.1) should at least contain:

- details of incidents/dangerous occurrences/investigations/complaints/inspections;
- date;
- persons involved;
- nature of injuries suffered;
- all statements made by witness;
- any recommendations/representations; and
- any action taken.

13.8.11 Additionally, it is suggested that it should contain:

- a list of witnesses, addresses, positions and occupations;
- the whereabouts of original signed statements made by witnesses;
- the date when the accident/dangerous occurrence reports were sent to the MAIB if applicable;
- a list of items collected, why and where stored; and
- an index.

13.8.12 The record should be kept with the ship because it must be made available on request to the safety representative and safety committee, if any. It is also a necessary item of reference for safety officers on board the ship. If the ship is sold and remains on the UK register, the record should be transferred with the ship. Where the ship becomes a foreign ship the record should be retained by the original owners.

## Annex 13.1 Checklist for safety officer's inspection

The following are examples of questions that the safety officer should consider. This is not intended to be an exhaustive list, and should be varied according to the particular design or conditions on a particular ship.

### Means of access/safe movement

- Are means of access, if any, to the area under inspection (particularly ladders and stairs), in a safe condition, well lit and unobstructed?
- If any means of access is in a dangerous condition, for instance when a ladder has been removed, is the danger suitably blocked off and have warning notices been posted?
- Is access through the area of inspection both for transit and working purposes clearly marked, well lit, unobstructed and safe?
- Are fixtures and fittings over which seafarers might trip or which project (particularly overhead, thereby causing potential hazards), suitably painted, cushioned or marked?
- Is any gear that has to be stowed within the area suitably secured?
- Are all guardrails in place, secure and in good condition?
- Are all openings through which a person could fall suitably fenced?
- If portable ladders are in use, are they properly secured and at a safe angle?

### Working environment

- Is the area safe to enter?
- Are lighting levels adequate?
- Is the area clear of rubbish, combustible material, spilled oil, etc.?
- Is ventilation adequate?
- Are seafarers adequately protected from exposure to noise where necessary?
- Are dangerous goods and substances left unnecessarily in the area or stored in a dangerous manner?
- Are loose tools, stores and similar items left lying around unnecessarily?

### Working conditions

- Is machinery adequately guarded where necessary?
- Are any necessary safe operating instructions clearly displayed?
- Are any necessary safety signs clearly displayed?
- Are permits to work used when necessary?
- Are seafarers working in the area wearing any necessary protective clothing and equipment?

- Is that protective clothing and equipment in good condition and being used correctly?
- Is there any evidence of defective plant or equipment and if so what is being done about it?
- Is the level of supervision adequate, particularly for inexperienced seafarers?
- What practicable safety improvements could be made?

#### Human factors

- Is there any evidence of bullying and harassment?
- Is there any evidence of fatigue or stress?
- What is the safety culture like? See Chapter 1 section 1.2.

#### General

- Are all statutory regulations and company safety procedures being complied with?
- Is the safety advice in publications such as this Code, merchant shipping notices, etc. being followed where possible?
- Can the seafarers in the area make any safety suggestions?
- Have any faults identified in previous inspections been rectified?

## Annex 13.2 Voluntary statement

Relating to an accident on board/name of ship/official number ..... on/date of accident/at/time of accident.

### Particulars of witness

Name: .....

Rank and occupation: .....

Home address of crew members:

.....  
.....  
.....  
.....

Address of employment of others:

.....  
.....  
.....  
.....

### Statement of witness

I make this statement voluntarily, having read it before signing it and believing the same to be true.

Signature of witness: .....

Date: ..... Time: .....

### Particulars of interviewer

Name: .....

Rank: .....