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## **COMPULSORY PROVISION AND WEARING OF PERSONAL FLOTATION DEVICES ON FISHING VESSELS**

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

*This notice should be read with MGN 570(F) and MGN 571(F) taking into account the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 as amended and the Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1998 with MSN 1870(M+F).*

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### **Summary**

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

### **1. Introduction**

- 1.1 The MAIB database of marine accidents between 2000 and 2017 records 153 fatal drowning accidents from UK registered fishing vessels. Of these, 104 of the fatalities were not wearing



Personal Flotation Devices (PFDs) and 20 were wearing them. In the remaining 29 cases it was unknown whether PFDs were worn at the time of the accident.

1.2 The outcomes of these accidents show that the likelihood of surviving a man overboard incident is much greater if a PFD is worn.

1.3 Man overboard incidents are the most common event leading to fatalities from UK registered fishing vessels.

1.4 In the opinion of the MCA's casualty review expert panel, out of 87 commercial fishermen who have drowned in the 10 years from 2007 to 2016, 19 fishermen's lives could probably have been saved by wearing a lifejacket or buoyancy aid that was correctly maintained, correctly worn and fit for purpose.

## **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 (ILO 188 Article 8.1);
- (b) Skippers are responsible for the safe operation of the vessel including health and safety awareness training and supervising fishermen so that they work safely (ILO 188 Article 8.2).

2.2 Owners and skippers should also ensure that risks to health and safety are assessed and appropriate safety measures are put in place to prevent accidents so far as reasonably practicable, and to minimise the consequences of any accidents that do occur (*Regulation 4 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997*).

2.3 Fishermen are required to comply with the lawful orders of the skipper and any applicable health and safety measures provided on board. (*Regulation 4 of the Merchant Shipping (Work in Fishing Convention) Regulations 2018 and Regulation 21 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997*).

## **3. The risk of falling overboard**

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

## **4. The risk of drowning**

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

## **5. Preventive and protective measures**

5.1 In the light of recent accidents, MGN 571(F) was published giving advice on how to prevent man overboard. This gives guidance on risk assessment for man overboard and the safety measures to be put in place to prevent this. In addition, the Fishing Industry Safety Group and the MCA have promoted the use of safety harnesses or PFDs when working on deck.



5.2 However, despite a safety campaign by the Fishing Industry Safety Group and the distribution of approximately 8,000 free PFDs, there is evidence that on many vessels the risk of man overboard has not been eliminated and harnesses and PFDs are still not being worn.

5.3 Preventive measures, such as those set out in MGN 571(F), remain the most effective method of preventing fatalities from man overboard. However, with the introduction of 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 where there is a risk of falling overboard.

## 6. MCA requirement to wear PFDs

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

6.2 The MAIB in their Safety Digest 1/2017 published the following advice:

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

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

## 7. Standards of PPE:

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

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

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	A lifebuoy with sufficient line attached ready for immediate use and either MCA approved lifejacket conforming as appropriate to one of the following, taking into account the area of operation.  BS EN ISO 12402-8:2006+A1:2011 and SOLAS <i>Replacing EN 12402-8:2006</i>  BS EN ISO 12402-3:2006+A1:2010 <i>Replacing EN 12402-3:2006</i>	Personal flotation devices. Accessories. Safety requirements and test methods  Personal flotation devices. Lifejackets, performance
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		<p>BS EN ISO 12402-2:2006+A1:2010</p> <p><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>level 150. Safety requirements Personal flotation devices. Lifejackets, performance level 275. Safety requirements</p>
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7.3 Other types of PPE may be accepted where determined on the basis of a risk assessment. The fishing vessel owner should familiarise themselves with the capabilities of PPE, and its limitations and select equipment appropriate to the risk.

### More Information

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## 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.

