



ILO WORK IN FISHING CONVENTION, 2007 **Medical Care**

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 the Merchant Shipping (Work in Fishing Convention) Regulations 2018.

Summary

- If a fisherman requires medical care while working on a fishing vessel they must receive this free of charge. The statutory liability for the costs of medical care rests with the fishing vessel owner under the ILO Work in Fishing Convention.
- This includes the provision of medical stores and ensuring the crew comply with requirements for training in first aid and medical care.
- Where fishermen require medical treatment not available on board, they have the right to go ashore for treatment in ports of call, where reasonably practicable.
- Where fishermen suffer injury due to occupational accident or disease, the fishing vessel owner may be liable for compensation, and a system should be in place to ensure funds are available.
- Information is provided about accessing telemedical services (TMAS) and the Dreadnought Unit.
- Amendment 1 reflects changes to eligibility for free medical care for seafarers following changes to NHS legislation and the end of the implementation period for UK Exit from the EU and updates references.

1. Introduction

1.1 Articles 29 and 30 of the Work in Fishing Convention, 2007 (ILO 188) and paragraphs 35 to 39 of ILO Recommendation 199 lay down requirements and recommendations for medical care for any fisherman working on board fishing vessels. Medical care must be provided at no cost to the fisherman.

1.2 These requirements are implemented for UK fishing vessels for the most part in the Merchant Shipping and Fishing Vessels (Medical Stores) Regulations 1995 and the Merchant Shipping (Work in Fishing Convention) Regulations 2018. This notice summarises



the UK requirement and advises shipowners how to find out more details of the UK requirements which apply to them.

1.3 In principle, these measures seek to ensure that fishermen have access to medical care which is, as far as practicable, comparable to that which is generally available to workers ashore.

2. Fishermen's entitlement to medical care and Fishing Vessel Owner liability for the costs of medical care

2.1 If a fisherman working on board a UK fishing vessel suffers sickness or injury, the fishing vessel owner must ensure that the fisherman is provided with medical care on board, as far as practicable and bear the costs of any treatment.

2.2 Where a UK sea-going ship does not carry a doctor, Section 53 of the Merchant Shipping Act 1995 holds the Master (skipper) responsible for ensuring that any necessary medical attention given on board ship is given either by him, or under his supervision, by a person appointed by him for that purpose.

2.3 The fisherman is also entitled to be taken ashore for medical care in a timely manner, and any costs payable for that care must be covered by the fishing vessel owner.

3. Fishing vessel owners' liability for costs of medical care

3.1 The fishing vessel owner is liable to meet the expenses for medical care of fishermen in respect of any sickness or injury incurred while the fisherman is working on the fishing vessel until the fisherman is repatriated. See MGN 584(F) for more detail on the costs to be borne by the fishing vessel owner in case of repatriation.

3.2 Those ordinarily resident in the UK are entitled to treatment in the UK under the National Health Service (NHS), but the NHS may charge the fishing vessel owner for medical care (other than emergency care) for other fishermen.

3.3 Further guidance is available on www.gov.uk:

<https://www.gov.uk/government/publications/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care/how-the-nhs-charges-overseas-visitors-for-nhs-hospital-care#:~:text=People%20will%20be%20entitled%20to,liable%20for%20their%20NHS%20costs>

4. Medical Stores

4.1 All fishing vessels must carry medical stores appropriate to their area and type of operation and the number of fishermen on board. The medical stores requirements in the UK are set out in the Merchant Shipping and Fishing Vessels (Medical Stores) Regulations 1995 and Merchant Shipping Notice MSN 1768 (M+F)(shortly to be replaced by MSN 1905(M+F)). The Regulations implemented European Directive 92/29/EC and form part of UK retained law. All the obligations in the EU legislation mentioned in the Regulations which have affect in the UK prior to the 1st January 2021, are retained in UK law, with any necessary modifications, after the end of the EU Exit implementation period.

4.2 Medical stores must be inspected at least every 12 months to ensure that they are in date and any used stores have been replaced (see para 3.2 of MSN 1768 (M+F))(shortly to be replaced by MSN 1905 (M+F))



5. Fishermen in charge of medical care on board

- 5.1 All fishing vessels should have at least one fisherman on board who is qualified or trained in first aid and/or medical care. The statutory requirements for levels of training on UK ships fall under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984 as amended and are published in MGN 411(F). Deck officers are all trained in medical first aid or at more senior levels in medical care.
- 5.2 The skipper and any other person in charge of first aid or medical care are required to attend refresher training at least every five years.
- 5.3 The levels of medical care and medical first aid training, including the syllabus for the relevant certificates are set out in MGN 147(M).
- 5.4 The appropriate training course should be taken to cover use of the medical stores carried on the vessel. This should be checked with the training provider in advance.
- 5.5 In designating crew members with responsibility for medical care and medical first aid, the fishing vessel owner should take account of the number of fishermen on board, the availability of medical care ashore, and should ensure that there are sufficient competent fishermen to support the designated person.

6. Requirement to carry a medical practitioner (ship's doctor) on board a fishing vessel

- 6.1 It is recommended that a medical practitioner is carried on any fishing vessel carrying 100 or more fishermen. The criteria for ship's doctors are published in MSN 1841(M) and these criteria are recommended in case of a medical practitioner being carried on a fishing vessel.
- 6.2 Paragraph 7 of MSN 1768(M+F)(shortly to be replaced by MSN 1905(M+F)) refers to the Merchant Shipping (Ships' Doctors) Regulations 1995, which have been revoked. That paragraph is therefore no longer relevant.

7. Protection in case of work-related sickness injury or death

- 7.1 From 31 December 2019, there must be a system of financial assurance to ensure that the fishing vessel owner will be able to meet any liabilities the fishing vessel owner may have to provide compensation in the event of death or long-term disability to fishermen arising from occupational injury, illness or hazard. Further guidance will be issued.

8. Telemedical Medical Advice Service (TMAS)

- 8.1 Medical advice is available by radio or satellite communication by a pre-arranged system to ships at sea. In the UK, there are two designated centres for free Radio Medical Advice, and information about how to obtain advice from them is available in Marine Guidance Note MGN 623 (M+F).
- 8.2 Fishing vessel owners should ensure that there is a complete, up-to-date list of telemedicine services, and if equipped with a system of satellite communication, carry an up-to-date and complete list of coast-earth stations through which medical advice can be obtained for their area of operation. All radio services, nationally and worldwide, are listed in the Admiralty List of Radio Signals, in particular Volume 5. National entries include notes on accessing that administration's TMAS where applicable.
- 8.3 Fishermen with responsibility for medical care or medical first aid should be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the



International Code of Signals so as to enable them understand the type of information needed by the advising doctor as well as the advice received. Forms are available which set this out in a format to ensure that the necessary information is collected and transmitted.

9. Medical Report Form

9.1 When a fisherman is sent ashore for medical attention, it is important that the treating doctor has all the relevant information to assist in diagnosis and treatment. Similarly, when contacting a TMAS, it is important to have all the relevant information ready to hand. The MCA has produced a model form, MSF 4155, for use in these circumstances. This is available from www.gov.uk. The form gives the minimum of information required, but there is nothing to stop companies developing their own forms or using those available from other sources. It is important however that the seafarers in charge of medical care or medical first aid on board and given familiarisation training with the form to be used on board and company procedures for obtaining medical advice, if this is different from the free service explained in MGN 623 (M+F). Once completed with patient information the forms should be treated as confidential.

10. The Dreadnought Unit

- 10.1 For fishermen in need of medical care, the Dreadnought Unit at Guy's and St Thomas' NHS Foundation Trust in London seeks to provide priority medical services for those who need to get back to sea and their families. The service can be contacted at gst.tr.dreadnought@nhs.net.
- 10.2 For details of the service provided by Dreadnought Unit see MGN 370(M+F). There is also information on the Seafarers' Hospital Society website :
<https://seahospital.org.uk/dreadnought-medical/>

More Information

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