

Crew Health and Welfare

3. Care

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Introduction

This is the third in the series of Loss Prevention Briefings dealing with crew health and welfare. The first Briefing was 'Illness' and the second 'Fitness'. This Briefing, called 'Care', looks at the duty of care that a ship operator has towards his crew with respect to their health and welfare. It goes on to review some of the best practices implemented by forward looking ship operators.

Regulation – MLC 2006

Overview

The Maritime Labour Convention, 2006 (MLC, 2006) entered into force in 2013. MLC 2006 is designed to protect the rights and welfare of seafarers. The aim is to ensure that equally acceptable conditions are found on all ships, irrespective of the flags which they sail under. The MLC was fully explained in an earlier Loss Prevention Briefing accessible by clicking on this link: '[Maritime Labour Convention 2006](#)' published in June 2013. The full text of MLC 2006 can be accessed by clicking on the image below:

Disclaimer

The purpose of this publication is to provide a source of information which is additional to that available to the maritime industry from regulatory, advisory, and consultative organisations. Whilst care is taken to ensure the accuracy of any information made available no warranty of accuracy is given and users of that information are to be responsible for satisfying themselves that the information is relevant and suitable for the purposes to which it is applied. In no circumstances whatsoever shall North be liable to any person whatsoever for any loss or damage whatsoever or howsoever arising out of or in connection with the supply (including negligent supply) or use of information.

Unless the contrary is indicated, all articles are written with reference to English Law. However it should be noted that the content of this publication does not constitute legal advice and should not be construed as such. Members should contact North for specific advice on particular matters

Maritime Labour
Convention
(MLC), 2006



The parts of MLC 2006 that apply to crew health, welfare and on board conditions are:

TITLE 2: Employment

- Employment agreements
- Wages
- Hours of work & rest
- Leave
- Repatriation
- Manning Levels

TITLE 3: On board Conditions

- Accommodation & recreational facilities
- Food & catering

TITLE 4: Health, Medical, Welfare & Social Security

- Medical care ashore & afloat
- Shipowners' liability
- Health & safety protection & accident prevention
- Access to shore-based facilities
- Social security

The principles that underpin MLC 2006 are that every seafarer has a **right** to:

1. A safe and secure workplace that complies with safety standards.
2. Fair terms of employment.
3. Decent working and living conditions on board ship.
4. Health protection, medical care, welfare measures and other forms of social protection.

The following sections look at ship operators' responsibilities laid down in MLC 2006, in conjunction with the above four principles.

Employment

Title 2 of the MLC 2006 is called 'Conditions of Employment'. The next table summarises the employers'

obligations under Title 2 that directly affect seafarer health and welfare.

Agreements: Regulation 2.1

- If the 'employer' is a 3rd party manning agent then:
- The **shipowner** must guarantee to meet the employer's obligations, if the employer fails to do so.

Wages: Regulation 2.2

- Must be paid at least monthly in full.
- Late payments incur 20% p.a. interest.

Work & Rest: Regulation 2.3

- Provide minimum rest of 77 hours/week and 10 hours rest /day.
- Schedule of duties, with hours of work/rest prominently posted.

Leave: Regulation 2.4

- Payment in lieu cannot replace leave entitlement.
- Shore leave must be granted where consistent with operational requirements.

Repatriation: Regulation 2.5

- Duty to repatriate at no cost to seafarer.
- Insurance in place to cover liabilities relating to repatriation.

Manning: Regulation 2.7

- Sufficient to ensure ships operated safely, efficiently and securely under all conditions.
- Taking into account fatigue and particular nature of voyage.

On board Conditions

Title 3 of MLC 2006 covers 'Accommodation, Recreational Facilities, Food and Catering'. A summary of ship-owners obligations affecting health & welfare are listed in the table below.

Accommodation: Regulation 3.1

- Accommodation, including ventilation, noise, heating, lighting & sanitation must:
- be safe, decent and regularly inspected.

Recreation: Regulation 3.1

- Appropriate to meet the needs of all on board.
- Ideally, should have some or all of: *separate smoking room and bars, TV, radio, video, CD, DVD and PC equipment, sports and swimming facilities, table and deck games, library, facilities for practising handicrafts, communication facilities including email and internet access.*

Food & Catering: Regulation 3.2

- Sufficient quantities of good quality food and drinking water supplied free of charge.
- Food to be nutritious, varied and prepared and served in hygienic conditions.
- Religious & cultural considerations taken into account.

Medical care: Regulation 4.1

- Should be provided free of charge and be comparable to workers ashore.
- Include health promotion and education programmes.

Shipowners' liability: Regulation 4.2

- Costs resulting from sickness, injury :
- Full wages until repatriated &
- Wages until recovery, as provided by collective agreements & national laws.

Health & safety protection & accident prevention: Regulation 4.3

- Each ship must have:
- Health policy & programme
- Precautions to prevent injuries & disease.
- Process for reporting & correcting unsafe conditions & investigating accidents.

Access to shore-based welfare facilities: Regulation 4.4

- Member states encouraged to promote & develop shore welfare facilities for all seafarers.
- Shipowners should participate in the supervision of shore welfare facilities.

Social security: Regulation 4.5

- Minimum obligations: medical care, sickness & injury benefit.
- Statutory benefits, no less favourable than those of shore workers in the same country.

Health, Medical, Welfare & Social Security

Title 4 of MLC 2006 covers health protection, medical care (ashore and on board), welfare and social security protection. The following summarises ship-owners' obligations in respect thereof.

Best Practice

Many of the best ship operators have already embraced industry best practice in relation to crew health and welfare. Others, who are keen to follow suit, may wish to consult some of the health and/or welfare related topics covered in the Nautical Institute project 'Alert'. The website can be accessed by clicking on the logo below:



The 'Alert' project is sponsored by Lloyd's Register Foundation. The project's aim is to improve awareness of the human element in the maritime industry. It is a good source of information for anyone who has an interest in the subject. The 'Alert' project produces an A-Z '**good guide to seafarer health, safety and wellbeing**', which is reproduced below:

Accident prevention

Create and maintain a safe working environment and promote safe behaviour through a programme of proactive accident prevention by identifying the hazards, assessing risks and implementing necessary preventative measures, before accidents and ill-health arise.

Benefits

Provide advice to seafarers and their families on the benefits that are available to them particularly with regard to medical care, sickness benefits, unemployment benefits, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits and survivors' benefits.

Company Culture

Develop a company culture by building trust through a policy of openness, good communication and empowerment such that the employee and his/her family feel valued and involved as part of the Company.

Discipline

Encourage self-discipline and the adoption of a code of good conduct and effective complaints procedures.

Employment Conditions

Provide a safe and secure working environment, decent working and living conditions and satisfactory terms of employment.

Fair Treatment

Take all necessary measures to ensure that seafarers are treated fairly following a maritime accident and during any investigation and detention by public authorities and ensure that any detention is for no longer than necessary.

Good Housekeeping

Ensure that the workplace and living accommodation is kept clean and tidy and free from slip, trip and fall hazards and from the inappropriate storage of harmful substances and fire sources.

Habitability

Provide adequate and comfortable accommodation, galleys, mess-rooms and recreational spaces, having due regard for the variations in the size, shape and gender of the seafarer, and for the various environmental stressors such as noise, heat and vibration.

Information Exchange

Employ the use of company newsletters and noticeboard bulletins to inform the crew of important issues that have an effect on their professional lives, health, safety and welfare.

Job Satisfaction

Instil a sense of fulfilment and pride in the job through good work practices, adequate remuneration, encouraging good working relationships, status, security, recognition, responsibility and advancement.

Keeping in touch

Provide access to ship-to-shore telephone communications, and email and internet facilities on board ship to enable crew to keep in touch with their families.

Lifestyle

Ensure the seafarer has the energy, physical fitness, physical strength, stamina and a sense of wellbeing to enable him/her to do the job – through a balanced diet, good hygiene, exercise, rest and recreation, together with acceptable standards of habitability and regular medical screening, including drug and alcohol testing.

Motivation

Give the seafarer a sense of leadership and adaptability through good communication, direction, teamwork, empowerment and character building.

Nutrition

Encourage proper nutrition, adequate rest and sleep, regular exercise and good hygiene to help to prevent diseases and improve health overall.

Occupational Health

Ensure the health, safety and wellbeing of all on board through good and effective health and safety policies.

Port Welfare

Continue to pursue the establishment of National Seafarers' Welfare Boards and Port Welfare Committees on a world-wide basis, in order to achieve a global minimum standard of seafarers' welfare.

Quality of life

Ensure that good occupational health and safety, good workplace design and good management have a positive impact on a person's physical and psychological fitness to work at sea such that he/she will want to return to remain with the same Company or return to the same ship after leave.

Recreational facilities

Provide adequate recreational facilities aboard ship, including: recreational spaces, gymnasiums, recreational computers, libraries, televisions, radios and DVD players.

Sport

Create international understanding and cooperation between seafarers of all nations through peaceful competitions in healthy sporting activities.

Training & Education

Provide appropriate training in safety and security, and education in fatigue management.

Understanding other cultures

Recognise, interpret and correctly react to people, incidences or situations that are open to misunderstanding due to cultural differences.

Vim and Vigour

Maintain strength and stamina through appropriate diet, rest periods, exercise, periodical medical review etc.

Working practices

Encourage a safety culture and greater security awareness through good ergonomics, safe working practices and the

provision of protective equipment, together with proper physical security.

Xtra Mile

Go the extra mile to ensure a safe, healthy, happy and motivated workforce.

Yardstick

Benchmark employee benefits or satisfaction against other operators.

Zeal

Look after the health, safety and wellbeing of the seafarer and he/she will approach the job with zeal (enthusiasm and eagerness)!

(The above A-Z list is produced courtesy of 'Alert!' – The International Maritime Human Element Bulletin).

The 'Alert!' Microsite contains many other articles that are aligned with the content and sentiment of this series of Loss Prevention Briefings and Members are strongly encouraged to access and make use of the information available.

Bullying and Harassment

Article III (d) of MLC 2006 requires that discrimination in respect of employment and occupation is eliminated on board.

Harassment and bullying on board ships can have serious consequences for sea farers and their employers. The International Chamber of Shipping (ICS) in conjunction with The International Transport Federation (ITF) has produced: [Guidance on Eliminating Shipboard Harassment and Bullying](#). Members are recommended to consult this guide when adopting or revising their own policies.

Care

OHSAS 18001



OHSAS (Occupational Health and Safety Assessment Series) 18001 is a system for managing an organisation's activities in such a way that occupational health and safety risks to employees are reduced or eliminated. Originally developed by BSI (British Standards Institution), OHSAS 18001 is now internationally recognised.

Pro-active, health and safety conscious companies that have gone down the OHSAS 18001 route have benefited from:



Many of the ship classification societies provide OHSAS 18001 certification. Further information can be found on clicking on the below picture links.



Welfare – Ashore & Afloat

“Treating people with dignity, compassion and respect is a sign of a civilised society and is something we should all do. Seafarers are no different from anyone else. We depend upon them for the smooth and efficient running of the thousands of ships that are responsible for 95% of the world’s trade. We should all be concerned about their health and welfare. In particular, we need to ensure that seafarers have access to welfare services and facilities ashore after a long voyage”.

The above quote was made by Dr. Olivia Swift, Research Associate at Greenwich Maritime Institute in a report commissioned by the International Seafarers' Welfare and Assistance Network (ISWAN) in 2013. The report was titled: 'Port Levies and Sustainable Welfare for Seafarers'. The full text of the report can be downloaded by clicking on the following ISWAN icon:



Members seeking to emulate the best in the industry are encouraged to review page 22 of the 'Port Levies and Sustainable Welfare for Seafarers' report, which lists some of the on board facilities provided for sea-staff by forward thinking shipping companies, some of whom are North members. Some of the facilities provided include:

Free Internet & wifi



Gyms



TV, DVD, Karaoke



Shore Excursions



Ship operators can also assist seafarers' port welfare centres by paying the (often voluntary) small levies requested by various ports around the world. These are usually included in port disbursements and are often no more than US \$50 per ship. Members may also consider supporting seafarer

welfare and support organisations in their own countries, as recommended by MLC 2006.

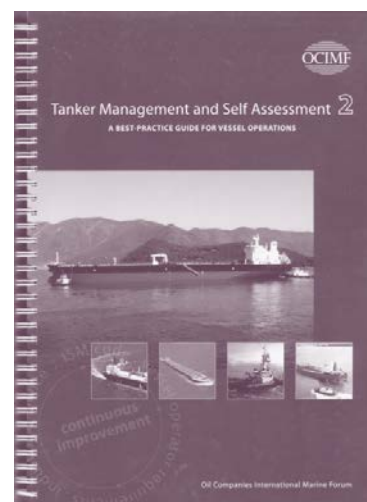
Additional Resources

Tanker Management Self-Assessment (TMSA) produced by the Oil Companies International Marine Forum (OCIMF) is a useful source of material for Members seeking to adopt a pro-active approach towards crew health & welfare management. The following elements of TMSA may be particularly useful in this respect:

Element 3. Recruitment & Management of Vessel Personnel.

Element 8. Incident Investigation & Analysis.

Element 9. Safety Management.



Further information can be found in North's Loss Prevention Briefing on [TMSA](#).

Members who are in the process of providing or upgrading their on board internet access for the crew's personal use may find useful advice in The International Tanker Owners Association (INTERTANKO) 'Best Practice Guidance on Internet Access for Crew on Board Ships'. This can be down-loaded from the icon below.



Members who are keen on promoting on board health & fitness should also refer to the information sources cited in the second of this series of Loss Prevention Briefings entitled 'Fitness'.

A Final Word

As stated at the beginning of this Briefing, the ship-owner or ship-manager has a duty to provide a safe and secure working environment, decent working and living conditions and fair terms of employment for their seafarers. Safe, happy, healthy and motivated seafarers will prove an asset to any company. Look after your people and they will look after you.

Useful Links

The following table provides details of the organisations and websites listed in this Briefing.

ORGANISATION	WEBSITE	DETAILS
The North of England P&I Association Limited	http://www.nepia.com/media/72625/LP-Briefing-Maritime-Labour-Convention.PDF	Loss prevention Briefing on MLC 2006.
International Labour Organisation (ILO)	http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_090250.pdf	MLC 2006 full text.
'Alert!' A project by the Nautical Institute, sponsored by Lloyd's Register Foundation	http://www.he-alert.org/index.cfm	Improving the awareness of the human element in the maritime industry.
BSI Group	http://www.bsigroup.com/en-GB/ohsas-18001-occupational-health-and-safety/	OHSAS 18001.
DNV-GL	https://www.dnvgl.com/training/ohsas-18001-for-shipping-companies-11344	OHSAS 18001 for shipping companies.
Class NK	http://www.classnk.or.jp/hp/en/authentication/qemsaudit/	OHSAS 18001 for shipping companies.
American Bureau of Shipping (ABS)	https://www.eagle.org/eagleExternalPortalWEB/ShowProperty/BEA%20Repository/Rules&Guides/Current/92_MarineHSQEManagement/Pub92_MHSQE_Guide	OHSAS 18001 for shipping companies.
Lloyd's Register	http://www.lrqa.com/standards-and-schemes/ohsas18001/	OHSAS 18001 for shipping companies.
Bureau Veritas	http://www.bureauveritas.com/services+sheet/ohsas-18001-certification_1143	OHSAS 18001 for shipping companies.

RINA	http://www.rina.org/en/our-services/certification/management-systems-certification/health-and-safety/occupational-health-and-safety-bs-ohsas-18001	OHSAS 18001 for shipping companies.
International Seafarers Welfare and Assistance Network (ISWAN)	http://www.seafarerswelfare.org/news-and-media/latest-news/report-on-iswan-port-levies-seminar	Port levies & seafarers' welfare.
The North of England P&I Association Limited	http://www.nepia.com/media/72706/LP-Briefing-Tanker-Management-Self-Assessment.PDF	North's Loss Prevention Briefing on TMSA.
Intertanko	https://www.intertanko.com/Topics/Human-Element/Best-practice-guidance-on-internet-access-for-crew-on-board-ships/	Best practice guide for internet on board.
ICS	http://www.ics-shipping.org/docs/default-source/resources/policy-tools/ics-itf-guidance-on-eliminating-shipboard-harassment-bullying.pdf?sfvrsn=8	Guidance on Harassment and Bullying.