Key workers can only protect us if we protect them!

«Enough is enough»

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Norwegian Union of Marine Engineers
1902

19.mars 2020

Radering av innførte nødvendige sikkerhet og verne regler

Det vises til flere av sjøfartsdirektoratets info skriv den siste tiden vedrørende bortfall av krav og regelverk for skip og mannskap i forbindelsen med Korona pandemien.

Dnmf har stor forståelse og sågar deltatt i diskusjonene omkring flere praktiske løsninger for å avhjelpe situasjonen, men det er ikke greit å sette skip, mannskap og miljø i direkte fare for å oppnå økonomisk gevinst. Det vises i så måte til Deres publikasjoner av 19. mars 2020;

Med bakgrunn i at den Norske flaggstat som er en av de 10 mektigstes i IMO, tidlig i mars tillot flere kritiske unntak fra regelverket sendte DNMF den 19. mars en bekymringsmelding til Norske myndigheter angående Radering av innførte nødvendige sikkerhet og verne regler for arbeidstakere på skip.

Sjøfartsdirektoratet
Norwegian Maritime Authority

Utviding av fjerntilsyn for ISM, ISPS og MLC

PUBLISERT: 14.05.2020

Angående hviletid og bemanning

PUBLISERT: 19.03.2020

For norske fartøy som er omfattet av departementenes liste over virksomheter med kritisk samfunnsfunksjon og nøkkelpersonell, slik den er publisert på regjeringen.no, kan rederiet ved behov vurdere sikkerhetsbemanning etter ny driftssituasjon uten at direktoratet gir sin tilslutning i form av en ny bemanningsoppgave.

DIALOGMØTE MED SJØFARTSDIREKTORATET

Sjømannsorganisasjonene hadde den 11.mai dialogmøte med Sjøfartsdirektoratet på Microsoft Teams

Agenda:

1) Sita rapport fra SDir.
2) Sita rapport fra sjømannsorganisasjonene inkludert Corona krisens utfordringer
3) Prosesser knyttet til bemanning, opplag og dispensasjoner
4) Fremtidig samarbeid, informasjon og møtevirksomhet

Utfordring

- Sikkerhet generelt tatt vekk til fordel for smidig, praktisk og pragmatisk operasjon noe som betyr at rederiene kan tilsidesette SOLAS og overstyre skipsledelsen om bord
- Sikkerhetsbemanningen kan bestemmes av rederiene etter behov, og ufaglært personell kan benyttes
- Hviletidsbestemmelsene kan tilsidesettes
- Vedlikehold og oppgradering av kompetanse og helse sertifikater, samt skipets sertifikater utsettes, noe som fører til svekket sikkerhet og i verste fall arbeidstakere som står uten sertifikat når de blir oppsagt
- Nye såkalte miljøskip med energikilder det ikke finnes regelverk for hverken på drift eller opplæring settes i drift
- Bruk av Computer Based Training (CBT) for sikkerhets- og sikkerhetsopplæring om bord på vakta
- Bruk av fjern inspeksjoner hvor mannskapet i tillegg til vakt må bistå med gjennomføringen

Sailors’ Society alerts on seafarers’ mental health due to suicide incident

The facts are stark, more than a quarter of seafarers suffer from depression and many won’t ask for help. It is up to ship owners and the maritime industry to put seafarers first.

- **Konsekvensene av å tilsidesette sikkerheten og det indre miljø er at den ekstra belastningen som pålegges de som er om bord fører til Fatigue, mentale helseproblemer og kriminalisering.**
- **Den bekymring som ble fremsatt av Dnmf den 19. mars var også at disse «force majore» tiltakene ville bli permanente, og det er de nå blitt - ikke bare i Norge men også resten av verden**
- **Av den grunn og i kraft av å lede ITF MSC har nå også ITF innlemmet denne krisen i sin få sjøfolk hjem kampanje «Enough is enough» slik at det verne regelverket vi har brukt nærmere 100 år på å få på plass kan gjenerobres slik at sikkerhet og respekt både for personell og arbeidsplasser kan gjenopprettes.**
- **Den internasjonale aksjonen ledes av ITF maritime koordinator Jacqueline Smith, Chair ITF Seafarers Section David Heindel og Chair ITF Maritime Safety Committee Odd Rune Malterud.**
- **Generell informasjon om kampanjen er sendt ut til alle ITF sine maritime medlemsorganisasjoner og hvert tema vil få en bredere statement publisert på ITF Global Web, nå gjelder det å stå samlet for å bevare helse, miljø, sikkerhet og fremtidige arbeidsplasser!**

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International Transport Workers' Federation
Federación Internacional de los Trabajadores del Transporte
Fédération internationale des ouvriers du transport
Internationella transportarbetarefederationen
Internationale Transportarbeiter-Föderation
Международная федерация транспортников
الاتحاد الدولي لعمال النقل

To all Maritime Affiliates and ITF FOC-POC Inspectorate

ITF E-Circular No. 263 S/D/F/IN/SS/2020

Our ref: S/D/F/IN/SS/JS/an

12 August 2020

"Enough is enough!" campaign

Dear Friends,

RE: Maritime workers safety and areas of concern under IMO Regulations

Since the outbreak of Covid-19 and since almost 90% of the world's trade is transported by ships, the International Maritime Organization (IMO) has issued several circular letters to facilitate the continuous movement of the world trade by ensuring smooth operations of ships with practical and pragmatic approaches. Unfortunately, due to the different interpretations by relevant stakeholders - Governments, flag States, port States, classification societies, ship owners and companies -, safe ship operations seem to have be forgotten or deprioritized, thereby endangering the safety of maritime workers and the marine environment.

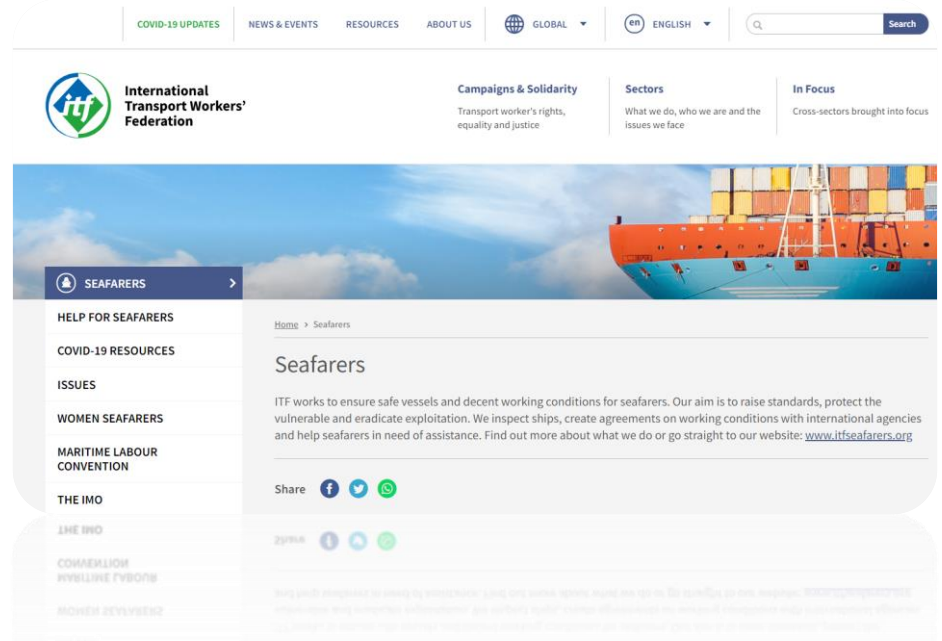
IMO regulations have been developed and amended by painstaking endeavours over the past 70 years in response to catastrophic and tragic accidents at sea. Whenever there was an unforeseen maritime disaster, the world joined forces in solidarity to overcome the calamity and the maritime industry showed its resilience by enhancing safety regulations as lesson learnt.

Today the ITF is deeply concerned that the work that has been achieved over decades and the international regulations that have been implemented, are being undermined out of convenience and no longer because of necessity as it was in the beginning of the pandemic. Such practices are setting a dangerous precedence that could continue, putting maritime workers' life and safety in jeopardy.

The main areas of concern are:

- Safety and security of maritime workers;
- Safe manning;
- Hours of rest;
- Extension of ships' and seafarers' certificates;
- Environmental protection regulations and maritime workers' safety;
- Promoting the use of Computer Based Training (CBT) for onboard safety and security training; and
- Use of remote inspections.

The above areas of concern will be integrated into the ITF "Enough is Enough" campaign since we have an obligation and responsibility to the seafarers to say "enough is enough" to reduced safety and security, to reduced manning, to reduced hours of rest and to added responsibilities beyond their duties – all of these factors are threatening the lives of the seafarers.



As seafarers' representatives (organisations and unions), we all have a vital role to play in raising awareness of the seriousness and severity of these issues and how it negatively affects the maritime workers and their family. It is our duty to use every means possible from mainstream and trade media to the legal system and lobbying efforts to raise awareness and ensure that the regulations that have been developed and adopted for the safety and security of the seafarers are being abided and enforced.

This requires a concerted effort and a proactive approach from each of us. Thank you for your continued commitment. Please contact ITF Accredited Representative to the IMO Branko Berlan at Berlan_Branko@itf.org.uk if you require further detailed information.

We hope this information assists you in your efforts.

In unity,

Jacqueline Smith
Maritime Coordinator

Safety and security of maritime workers - areas of concerns under IMO Regulations

Issues/ consequences

- Threats to safety of lives and ships at sea
- Threats to marine and its coastal environment
- Losing employment opportunities and income
- Reduced manning
- Added responsibilities beyond their duties but no authorities
- Physical and mental pressure and fatigue
- Limited access to port facilities and the consequences on ship operation and social issues
- Family's plight
- Stopping pursuing career at sea due to disorder in enforcing the exiting law that results seafarers' distrusting the systems of maritime industry

Use following regulations to force governments to focus on safety and security

- SOLAS Ch. II/2 Construction, fire protection, fire detection and fire extinction
- SOLAS Ch. V/14 Ships' manning
- Assembly Resolution 1047(27) the Principles of minimum safe manning
- SOLAS Ch. XI Management for the safe operation of ships
- ISM Code Ch 6 Resources and Personnel
- SOLAS Ch. XI-2 Special measures to enhance maritime security
- ISPS Code Part A-6 Obligations of the Company
- STCW Reg. I/2 Certificates and endorsements
- STCW Reg. I/14 Responsibilities of companies
- STCW Ch.VI Emergency, occupational safety, security, medical care and survival functions
- STCW Reg. VIII/1 Fitness for duty
- STCW Reg. VIII/2 Watchkeeping arrangements and principles to be observed
- MARPOL
- MLC 2006, as amended Reg. 2.3 Hours of work and hours of rest
- MLC 2006, as amended Reg. 2.7 Manning levels
- MLC 2006, as amended Reg. 2.8 Career and skill development and opportunities for seafarers' employment

Emphasise that these are safety and security issues that affect all stakeholders.

Address the importance of tripartite system in law making process and actively participate in such venue

Active cooperation with port State control regimes (MoUs) and advocate to enhance universal monitoring scheme for legislative enforcement

Deliver these sequential statements to government

Safe manning - areas of concerns under IMO Regulations

Issues/ consequences

- **In principal, Minimum Safe Manning is still under full control of shipowner being only confirmed by flag state. In this unprecedented pandemic situation, to ensure trade, some states advised companies to contact their Administration if facing problem and many companies have brought their ships to the declared reduced minimum manning. Due to additional pressure created by extensions of agreements, extended hours of work and uncertainty for going back home have emerged as major safety problems.**
- **A lack of familiarisation procedure with new sign-on crew due to reduced manning.**
- **This is not unknown issue in the maritime industry, which has been blamed as human error when something went wrong, however it is clearly complacency by companies and the Administration that attested such manning.**
- **Early promotion has been emerged as another consequence amid the pandemic in particular with unsafe reduced manning onboard. Such practice already happened and is used as precedence for employers to continue with it.**

Use all regulations to force governments:

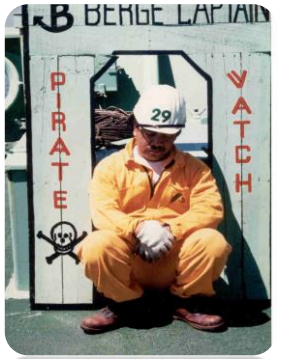
- **SOLAS Ch. V/14 *Ships' manning***
- **Assembly Resolution 1047(27) *the Principles of minimum safe manning***
- **STCW Ch.VI *Emergency, occupational safety, security, medical care and survival functions***
- **SOLAS Ch. XI *Management for the safe operation of ships***
- **ISM Code Ch 6 *Resources and Personnel***
- **MLC 2006, as amended Reg. 2.7 *Manning levels***

Highlight that it is "safe manning"

Active cooperation with port State control regimes

Use this statement and push governments

Hours of rest - areas of concerns under IMO Regulations



Issues/ consequences

- **This is incorporated issues in the light of reduced manning**
- **Physical and mental pressure and fatigue**
- **Not only Navigation and Engine watch are jeopardized but also all ship departments. With reduced crew all are forced to work more beyond their duties and under pressure.**
- **More and more bully and harassment cases are being reported in severe fashion, imminent medical provisions are inevitable, but yet difficult to arrange.**
- **This acute situation impacts not only on the ship's working and living atmosphere including accommodation and catering but also pressure on seafarers' families.**

Urge effective enforcement of international regulations:

- **SOLAS Ch. V/14 *Ships' manning***
- **SOLAS Ch. XI *Management for the safe operation of ships***
- **ISM Code Ch 6 *Resources and Personnel***
- **STCW Reg. I/14 *Responsibilities of companies***
- **STCW Reg. VIII/1 *Fitness for duty***
- **STCW Reg. VIII/2 *Watchkeeping arrangements and principles to be observed***

All crewmembers should follow the strict record of hours, keep the accurate records and not signing the irrelevant and inappropriate advice of superiors from company or at the ship.

Use the onboard and onshore complain procedures adopted in the MLC 2006.

Use ITF manning policy

Use Ch.8 *Conclusions and Recommendations* of WMU research *Evaluating the implementation of the current maritime regulatory framework on rest and work hours*

Extension of ships' and seafarers' certificates - areas of concerns under IMO Regulations

Issues/ consequences

- **Career disruption**
- **Seafarers are not allowed to complete necessary courses to keep valid certificates - medical, CoCs, CoPs, etc.- due to cancellation of courses, logistical hinderance due to quarantine or travel restrictions or the cost to attend the courses.**
- **As a result, many governments have decided to grant a general extension of the validity of personal certificates in order to keep seafarers working onboard.**
- **For those seafarers returning home or having their employment contracts terminated, they have no choice but to stay without valid certificates nor income.**
- **Consequently, they become not eligible for further decent employment. Considering the number of certificates granted extensions to date due to Covid-19 crisis, this will result in serious labour supply to the industry.**
- **Extensions create issues with endorsements too. Seafarers' employment on foreign flag ships encounter difficulties to pursue their career.**
- **A government having granted extensions gave opportunities for companies to hire personnel without safety training and appropriate certificates.**

Use the following legally binding regulations:

- **STCW Reg. I/2 *Certificates and endorsements***
- **STCW Reg. I/14 *Responsibilities of companies***
- **SOLAS Ch. XI *Management for the safe operation of ships***
- **ISM Code Ch 6 *Resources and Personnel***
- **MLC 2006, as amended Reg. 2.7 *Manning levels***
- **MLC 2006, as amended Reg. 2.8 *Career and skill development and opportunities for seafarers' employment***

Urge Administrations no more acceptable extension for Certificates

It should be enshrined in the agreement that a seafarer should be able to attend the course in any instant so that they could obtain valid certificates to continue their career.

It is ship owners' responsibilities to organise and pay for mandatory courses.

It is the Administration's obligation to make sure that seafarers are provided with such courses.

Environmental protection regulations and maritime workers' safety - areas of concerns under IMO Regulations

Issues/ consequences

- **More stringent environmental protection related regulations have been developed, such as reduction of air pollution from ships, new fuels, ballast water and new energy efficiency technologies.**
- **Seafarers, as end-users who are in the front line of executing such requirements, needed timely update and trainings. The pandemic made it difficult for them to do so. As a result, safety of seafarers is at stake as well as incriminating them for being in the dark.**
- **Due to the restriction at ports, it has been difficult for a ship to discharge bilge water, grey and black water and garbage in accordance with MARPOL requirements. This could lead seafarers to discharge them at sea when they exceed the capacity which will criminalise seafarers.**
- **New ships with new technologies that allow those ships to use new type of fuels are being built. Some safety standard regulations have been developed but not yet entered into force to protect seafarers' and ships' safety.**

Use the following regulations to enhance safety measures onboard in particular fire-fighting measures:

- **SOLAS Ch. II/2 *Construction, fire protection, fire detection and fire extinction***
- **SOLAS Ch. XI *Management for the safe operation of ships***
- **ISM Code Ch 6 *Resources and Personnel***
- **STCW Reg. VI-3 *Mandatory minimum requirements for training in advanced fire fighting***
- **MARPOL**

Raise awareness of how environmental regulations affect seafarers

Not allow seafarers to serve onboard before adequate training

A Company's prompt communications to the ship for rapidly changing environmental regulations

Safe manning for Engine department is critical for the safety of a ship.

Allude government the urgency of fire fights equipment and training for personnel at sea and ashore for ships with new types of fuels.

Urge government to develop environmental regulations focusing on safety and implement as soon as possible

Promoting the use of Computer Based Training (CBT) for onboard safety and security training - areas of concerns under IMO Regulations

Issues/ consequences

- **This is incorporate issue with the extension of certificates.**
- **Shipowners impose seafarers to take mandatory and update courses on Safety and Security while they are on duty or during hours of rest without extra pay and rest compensation.**

Use the following regulations:

- **SOLAS Ch. XI *Management for the safe operation of ships***
- **ISM Code Ch 6 *Resources and Personnel***
- **STCW Reg. VIII/1 *Fitness for duty***
- **STCW Reg. VIII/2 *Watchkeeping arrangements and principles to be observed***
- **MLC 2006, as amended Reg. 2.3 *Hours of work and hours of rest***
- **MLC 2006, as amended Reg. 2.7 *Manning levels***

Participate in law making venue with the Authority and employers to ensure watch system, safe manning and hours of rest are not violated.

Highlight that Computer Based Training (CBT) for onboard safety and security training cannot be done when seafarers are on watchkeeping

Use of remote inspections - areas of concerns under IMO Regulations

Issues/ consequences

- **Due to the national travel restrictions to prevent the spread of the virus, Administrations promote non-physical ship inspections. Seafarers onboard are requested to:**
  - **Take photos and videos of inspection areas; and**
  - **Compute necessary data in the system required by the Administration.**
- **It seems to be an economic solution for ship owners to save relevant cost and cutting the red tape for the Administration.**
- **However, both parties oversaw practicality of the remote inspection. It can be a reasonable way out only if the ship is properly manned.**
- **The crew have to learn the system and do the supporting work in addition to their assigned duties. Hence, they cannot do it on watch, such work should be carried out during hours of rest.**
- **On top of that, they must take into account the time differences between the ship and the shore where the Authority is located.**
- **Finally, if the crew could be responsible for the results of the inspection.**

Use the following regulations:

- **SOLAS Ch. V/14 *Ships' manning***
- **SOLAS Ch. XI *Management for the safe operation of ships***
- **ISM Code Ch 6 *Resources and Personnel***
- **STCW Reg. VIII/1 *Fitness for duty***
- **STCW Reg. VIII/2 *Watchkeeping arrangements and principles to be observed***
- **MLC 2006, as amended Reg. 2.3 *Hours of work and hours of rest***

Address and raise awareness of the feasibility in conducting remote inspection as additional burden

Request pragmatic Guidelines for remote inspection procedure that thoroughly instruct roles and responsibilities for each party.

Participate in law making venue with the Authority and employers to ensure watch system, safe manning and hours of rest are not violated.

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