

7.11 In the ensuing discussion of documents HTW 4/7/1, HTW 4/7/2 and HTW 4/7/3, the following views were expressed that:

- .1 the III Sub-Committee is currently undertaking work in this regard and it would be pragmatic to await the likely outcome of this work that could facilitate the work of the HTW Sub-Committee;
- .2 caution needs to be exercised in considering the advice being given to seafarers to better understand the causes of and lessons learned from casualties to prevent accidents in paragraph 6 of HTW 4/7/1;
- .3 using marine casualties is an important tool for seafarers' education but it is premature for HTW to provide advice to the III Sub-Committee;
- .4 the action to be taken by this Sub-Committee at this stage to develop a global methodology is unclear; and
- .5 the outcome of III 4 on this matter could be referred to HTW 5 for consideration, as appropriate.

7.12 After some discussion, the Sub-Committee agreed to await the outcome of the work undertaken by the III Sub-Committee, while agreeing that lessons learned from marine casualties would be beneficial for training of seafarers.

Human element competencies template

7.13 The Sub-Committee noted with appreciation information provided by The Nautical Institute (HTW 4/INF.2) on the required competencies for addressing human element issues by maritime stakeholder groups, to ensure that it is properly considered across the maritime industry to provide the basis for a curriculum for human element awareness training.

Quality of On-Board Training (OBT)

7.14 The Sub-Committee noted with appreciation the information provided by the International Association of Maritime Universities (IAMU) (HTW 4/INF.4) on the IAMU research project entitled "Comprehensive study on quality of on-board training".

8 REVISION OF THE GUIDELINES ON FATIGUE

8.1 The Sub-Committee recalled that HTW 3 (HTW 3/19, paragraph 8.7) agreed that:

- .1 the principles listed below should be followed during the review of circular MSC/Circ.1014:
 - .1 guidelines should be practical;
 - .2 guidelines should be drafted using non-mandatory language;
 - .3 guidelines should be non-academic, user-friendly and use simple language;
- .2 the Guidelines should include a module for the Administrations;
- .3 document HTW 3/8 should be the base document; and

- .4 the Fatigue Risk Management System, as proposed in document HTW 3/8, is not the only way to address fatigue (Module 2) and, therefore, document HTW 3/8/1 should be taken into account when amending Module 2.

8.2 The Sub-Committee also recalled that HTW 3 (HTW 3/19, paragraph 8.14) established a correspondence group, coordinated by Australia, and instructed it, taking into account comments and decisions made in the plenary (HTW 3/19, paragraphs 8.6 to 8.8), to review the proposed amendments to the *Guidelines on fatigue* (MSC/Circ.1014), using as a basis, document HTW 3/8, as amended by the Working Group during HTW 3 (HTW 3/WP.5, annex 1).

Revision of the guidelines on fatigue in the annex to MSC/Circ.1014

8.3 Australia (HTW 4/8) provided the report of the Correspondence Group on the revision of the *Guidelines on fatigue* (annex to MSC/Circ.1014), which contained the draft guidelines in its annex.

8.4 ICS, CLIA and ITF (HTW 4/8/1) provided comments on the revision of the *Guidelines on fatigue* (annex to MSC/Circ.1014), in particular, on provision of guidance for "other stakeholders", and proposed a draft new module (Module 7) to address "other stakeholders", as set out in the annex to their document.

8.5 In the ensuing discussion, the following views were expressed:

- .1 several concerns still remained in a number of areas in the draft guidelines that required considerable work and there was no guidance related to manning in the revised draft;
- .2 there was no consensus on the inclusion of a fatigue risk management system, and many of the provisions are not practical in a shipboard watch standing environment where there is little flexibility or alternatives to the work required and a limited number of crew members available;
- .3 while the Guidelines are non-mandatory for Member States, the ISM Code's requirement that companies should take into account in the Guidelines, could place a prescriptive burden on seafarers;
- .4 there was no agreement to include the proposed module 7 for other stakeholders;
- .5 proposed content for module 7 should be addressed in the other modules, as appropriate; and
- .6 references to the Maritime Labour Convention, 2006, should be retained in the Guidelines.

8.6 Following the discussion, the Sub-Committee agreed to refer documents HTW 4/8 and HTW 4/8/1 to Working Group 1 on Human element issues for detailed consideration, and preparation of draft amendments to the *Guidelines on fatigue* in the annex to MSC/Circ.1014 (*Guidance on fatigue mitigation and management*), for consideration by the Sub-Committee.

Result of a research project on seafarer's workload

8.7 The Sub-Committee noted with appreciation the information provided by the Republic of Korea in document HTW 4/INF.5 on the result of a research project on seafarer's workload.

Establishment of Working Group 1

8.8 The Sub-Committee established Working Group 1 on Human Element Issues and instructed it, taking into account comments and decisions in the plenary, to:

- .1 review document HTW 4/8 (Australia) providing the report of the Correspondence Group on the revision of the *Guidelines on fatigue* in the annex to MSC/Circ.1014 as the base document, taking into account the proposed principles set out in paragraphs 11 to 14 of document HTW 3/8/2 (ICS);
- .2 consider the relevant part of document HTW 4/8/1 (ICS, CLIA and ITF) proposing a new module to address other stakeholders, to be incorporated as appropriate, in the modules in the annex to document HTW 4/8, and finalize draft revised *Guidelines on fatigue* for consideration by the Sub-Committee; and
- .3 submit its report on Thursday, 2 February 2017.

Report of the Working Group

8.9 Having considered the report of Working Group 1 on Human Element Issues (HTW 4/WP.3), the Sub-Committee approved it in general and took action as summarized in the following paragraphs.

8.10 The Sub-Committee noted the progress made relating to the revision of the *Guidelines on fatigue* (HTW 4/WP.3, annex) and that work could not be completed at this session owing to time constraints.

8.11 In this context, the Sub-Committee agreed to invite the Committee to extend the target completion year of the output to 2018 with a view to finalization of the revised Guidelines on fatigue.

8.12 The Sub-Committee concurred with the view of the Group to consider the outcome of HTW 4 (HTW 4/WP.3, annex) as the basis for further work at the next session, and invited Member States and international organizations to submit relevant proposals to the next session of the Sub-Committee for consideration.

8.13 The delegation of France, supported by others, drew attention to references to the Maritime Labour Convention (MLC), 2006 in the revised Guidelines (HTW 4/WP.3, annex) and proposed that reference should be maintained in the document, although the Working Group decided that it was not in line with policies of IMO. They stated that coherence between IMO and ILO instruments on an issue such as fatigue is essential and that no rule has been adopted that prevented making a reference to an instrument from another Organization, and that resolution A.911(22) provided guidance on making references to mandatory instruments. Therefore, they requested the Sub-Committee to make a clear decision regarding the retention of references to the Maritime Labour Convention (MLC) 2006.

8.14 In this regard, other delegations proposed that the Sub-Committee should follow established practices of the Organization when referencing instruments other than IMO instruments as there were broader implications for the work of other Sub-Committees as well, and urged caution because there had been difficulties in the past where provisions of the Maritime Labour Convention (MLC) 2006 have been referenced in IMO instruments, which had been taken out of context.

8.15 The Sub-Committee having noted that resolution A.911(22) does not provide specific reference to referencing non-mandatory guidelines agreed that the information included in the Guidelines should be accurate.

8.16 The Sub-Committee agreed to draw the attention of the Committee to this matter and seek advice whether the Maritime Labour Convention (MLC) 2006 could be referenced in the body of the revised *Guidelines on fatigue*, to facilitate work related to the revision of *Guidelines on fatigue* at the next session. Furthermore, the Sub-Committee invited a representative of ILO to attend the next session to facilitate a decision on this matter.

9 DRAFT MODERNIZATION PLAN OF THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

9.1 The Sub-Committee noted that MSC 96 had approved the outcome of the Detailed Review of the GMDSS (NCSR 3/29, annex 7) and the continuation of the project in developing the Modernization Plan.

9.2 The Sub-Committee was informed that MSC 97, having noted the information provided by the Secretariat regarding the progress on the development of the Draft Modernization Plan of the GMDSS and the need for the involvement of HTW 4 (MSC 97/7/1), instructed the Correspondence Group on the Modernization of the GMDSS, established by NCSR 3, to submit a document to HTW 4, containing a draft of the Modernization Plan of the GMDSS, and specifically providing focus on issues for the HTW Sub-Committee's consideration, and instructed HTW 4 to provide comments and advice to NCSR 4, as appropriate.

Draft of the Modernization Plan for the GMDSS

9.3 The Sub-Committee considered documents HTW 4/9 (United States) which provided the interim report of the Correspondence Group on the Modernization Plan of the Global Maritime Distress and Safety System (GMDSS) containing a draft of the Modernization Plan for the GMDSS, and HTW 4/9/1 (United States) that, as instructed by MSC 97, provided additional information in paragraph 10, in particular, on the issues the Sub-Committee was invited to focus on, with a view to providing comments and advice to NCSR 4 as appropriate, from a training, human element and end-user perspective, to be taken into account for the implementation of the modernized GMDSS.

9.4 In the ensuing discussion, the following views were expressed that the:

- .1 proposed revision of the functional requirements, in particular, separating security-related communications and other communications from the GMDSS, might confuse users to understand the coherence between all types of radiocommunications;
- .2 modernization of the GMDSS should take place from the end-user's perspective and align the SOLAS Convention with the ITU Radio Regulations to keep the system simple, practical and usable;