

SUB-COMMITTEE ON HUMAN ELEMENT,
TRAINING AND WATCHKEEPING
4th session
Agenda item 8

HTW 4/8/1
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REVISION OF THE GUIDELINES ON FATIGUE

Proposal for a new module to address "other stakeholders" in the revised Guidelines on Fatigue

Submitted by ICS, CLIA and ITF

SUMMARY

Executive summary: This document provides comments on the revision of the *Guidelines on Fatigue* (annex to MSC/Circ.1014), in particular on the provision of guidance for "other stakeholders". A proposal for a draft new module (Module 7) to address "other stakeholders" is set out in the annex

Strategic direction: 5.4

High-level action: 5.4.1

Output: 5.4.1.2

Action to be taken: Paragraph 15

Related documents: MSC 94/18/7; HTW 2/8, HTW 2/8/2; MSC 95/9/3; HTW 3/8, HTW 3/8/1, HTW 3/8/2 and HTW 3/19

Background

1 The Maritime Safety Committee, at its ninety-fourth session (MSC 94), considered document MSC 94/18/7 (Australia) and included a new output on "Revision of the Guidelines on Fatigue", assigning the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating organ. At HTW 2, Australia et al. (document HTW 2/8) provided information on a proposed approach for the revision and updating of the guidance for preliminary consideration. The United Kingdom (document HTW 2/8/2) provided comments on the proposed approach. The Sub-Committee agreed that the work should be completed within two sessions (i.e. finalized at HTW 4). At MSC 95, the United Kingdom (document MSC 95/9/3) further clarified the scope of the revision, and MSC 95 confirmed that the revision of the *Guidelines on Fatigue* should focus on consideration of the full range of factors contributing to seafarer fatigue.

2 At HTW 3, Australia (document HTW 3/8) provided a proposal for the revision of the *Guidelines on Fatigue*, which took into account the outcome of HTW 2 and MSC 95, and focussed solely on a risk management approach to managing fatigue at sea. The United States (document HTW 3/8/1) provided an alternative proposal for "Module 2", and ICS (document HTW 3/8/2) provided general comments and proposed general principles relating to the scope, style, structure and content of the guidance to be taken into account during the revision of the *Guidelines on Fatigue*. The Sub-Committee agreed that documents HTW 3/8 (Australia) and HTW 3/8/1 (United States) should be used as base documents and that the principles set out in document HTW 3/8/2 (ICS) should be used during the revision of the *Guidelines on Fatigue*.

3 Amongst the principles to be taken into account during the revision, paragraph 11 of document HTW 3/8/2 states that, "regarding the scope of the revised guidance, it should: ensure a holistic approach to seafarer fatigue by providing guidance for all stakeholders in terms of their roles and responsibilities in the mitigation of fatigue; and recognize that there are many factors that may contribute to seafarer fatigue."

4 During the discussions, HTW 3 considered the scope of a proposed "Module 6", including the definition of various terms and the possibility of whether the module could address flag States, port States and other stakeholders. The Sub-Committee was not able to reach consensus on a way forward on the proposed "Module 6".

5 The Sub-Committee, therefore, agreed to the establishment of a correspondence group with the terms of reference as set out in paragraph 8.14 of document HTW 3/19. The terms of reference instructed the correspondence group to take into account the principles set out in paragraphs 11 to 14 of document HTW 3/8/2 (ICS) and the approach for the revision set out in document MSC 95/9/3 (United Kingdom). Specifically regarding "Module 6", the correspondence group was tasked to:

- .1 consider whether port and coastal States and other stakeholders should be part of the guidelines and develop contents of the module(s), as appropriate (HTW 3/19, paragraph 8.14.3); and
- .2 consider the scope, contents and title of module 6 on Fatigue and the Administration (HTW 3/19, paragraph 8.14.4).

6 The correspondence group only considered "Administrations", "Port State Control authorities" and "coastal States" as possible options for inclusion in the scope of the proposed "Module 6".

7 The co-sponsors participated actively in the correspondence group and provided comments and feedback on all modules, including specific inputs on "Module 6".

Discussion

8 The co-sponsors express their appreciation for the time and effort that was afforded by participants in the correspondence group to progress the revision. However, it is recognized that further consideration at HTW 4 is required relating to the provision of guidance for "other stakeholders" in the revised Guidelines. The inclusion of guidance for "other stakeholders", as indicated by the Sub-Committee (HTW 3/19, paragraph 8.14.3), would ensure "a holistic approach to seafarer fatigue by providing guidance for all stakeholders" (HTW 3/8/2, paragraph 11).

9 The co-sponsors consider that effectively addressing seafarer fatigue requires a holistic approach which recognizes the full range of factors and actors contributing to fatigue and the roles of all stakeholders in its management and mitigation. There are many aspects and considerations in the approaches that need to be taken into account in addressing seafarer fatigue in a holistic manner.

10 Whilst seafarers, companies, Administrations and port State authorities are the primary actors, many other stakeholders also have significant roles in the mitigation and management of seafarer fatigue. A ship is not an isolated environment, but interacts with the external environment where the actions and decisions of many other stakeholders have an impact on shipboard operations and seafarers, and thus have a bearing on seafarer fatigue and can contribute to its mitigation and management.

11 The co-sponsors consider that it is incumbent on the revised guidelines to adequately address all "other stakeholders" recognized as potentially having an impact on seafarer fatigue, and that a new module (Module 7) would be considered appropriate to provide this important guidance. Due to the diversity of the "other stakeholders", the guidance should be generic and identify considerations that could be taken into account by any other stakeholder to mitigate or manage their impact on seafarer fatigue.

Proposal

12 The co-sponsors propose a draft new module (Module 7) set out in the annex for inclusion in the revised guidelines. The scope and relevant definitions are provided in paragraphs 1 to 3 of the proposed draft module.

13 The co-sponsors have developed the text of the draft guidance, taking into account the outcomes of relevant previous sessions of MSC and HTW, inputs to the correspondence group, and the considerable experience with the mitigation and management of seafarer fatigue in the industry.

14 The proposed draft new module (Module 7) is intended to assist with ensuring that all "other stakeholders" are adequately addressed in the revised Guidelines. It complements the other proposed revised modules because it ensures the guidance recognizes the full range of factors and actors as part of a holistic approach.

Action requested of the Sub-Committee

15 The Sub-Committee is invited to consider the proposal for a draft new module (Module 7) in paragraphs 12 to 14 as set out in the annex, and take action as appropriate.

ANNEX
GUIDELINES ON FATIGUE
MODULE 7
FATIGUE AND OTHER STAKEHOLDERS

1 Module 7 provides guidance for other stakeholders on the impact of their activities on seafarer fatigue and possible contribution to its mitigation and management. It is recommended that other stakeholders also become familiar with Modules 1 to 6 of the guidance, as appropriate.

2 For the purposes of this guidance, *other stakeholders* means entities other than *companies* (addressed by Module 2), *seafarers* (addressed by Module 3) and *Administrations and Port State authorities* (addressed by Module 6).

3 Other stakeholders that have a bearing on seafarer fatigue may include:

- .1 Classification societies;
- .2 Non-State regional and local port authorities;
- .3 Industry/commercial parties (e.g. charterers, shippers, oil majors);
- .4 Third-party/independent representatives (e.g. cargo surveyors, marine surveyors, auditors, insurance representatives);
- .5 Suppliers of bunkers, stores and services;
- .6 Cargo handlers and terminal operators;
- .7 Shipyards and repair contractors;
- .8 Ship's agents; and
- .9 Non-governmental organizations.

HOW DO OTHER STAKEHOLDERS IMPACT ON SEAFARER FATIGUE?

4 Effectively addressing seafarer fatigue requires a holistic approach which recognizes the full range of factors and actors contributing to fatigue and the roles of all stakeholders in its mitigation and management. There are many aspects and considerations in the approaches that need to be taken into account in addressing seafarer fatigue in a holistic manner.

5 Whilst seafarers, companies, Administrations and port State authorities are the primary actors, many other stakeholders also have significant roles in the mitigation and management of seafarer fatigue. A ship is not an isolated environment, but interacts with the external environment where the actions and decisions of many other stakeholders have an impact on shipboard operations and seafarers, and thus have a bearing on seafarer fatigue and can contribute to its mitigation and management.

6 In Module 1 of these guidelines, management, organizational and operational factors are identified amongst the causes of fatigue. These factors include several that are affected by other stakeholders.

HOW CAN OTHER STAKEHOLDERS CONTRIBUTE TO THE MITIGATION AND MANAGEMENT OF SEAFARER FATIGUE?

7 To address the operational demands placed on ships and seafarers, other stakeholders can contribute to the mitigation and management of fatigue by considering the impacts of their actions or activities on ships and seafarers in the following areas:

- .1 Requirements placed on shipboard operations and seafarers;
- .2 Inspections, surveys, audits and other visits to ships; and
- .3 Reporting and information requests.

8 Other stakeholders should coordinate with shipboard management level officers and the company, as appropriate.

Requirements placed on ships and seafarers

9 Other stakeholders should consider the impacts on seafarer fatigue as a result of the requirements they place on shipboard operations and seafarers. This includes:

- .1 Considering the impact of existing requirements placed on shipboard operations and seafarers;
- .2 Considering the impact of proposed new requirements on shipboard operations and seafarers; and
- .3 Considering limiting the amount of documentation and interactions required with ships and seafarers.

Inspections, surveys, audits and other visits to ships

10 Other stakeholders should consider the impact of inspections, surveys, audits and other visits to ships on seafarer fatigue. This includes:

- .1 Considering shipboard operations, including work schedules, in the scheduling of inspections, surveys, audits and other visits to ships;
- .2 Considering approaches to carrying out inspections, surveys, audits and other visits to ships that minimize the impact on shipboard operations and seafarers; and
- .3 Considering the consolidation or coordination of inspections, surveys, audits and other visits to ships, including between different parties, to minimize the impact on shipboard operations and seafarers.

Reporting and information requests

11 Other stakeholders should consider the impact of reporting and information requests on seafarer fatigue. This includes:

- .1 Considering shipboard operations and seafarers when establishing reporting requirements and requesting information from ships and seafarers;

- .2 Considering approaches to obtaining reports and information from ships that minimize the impact on shipboard operations and seafarers;
 - .3 Considering the consolidation or coordination of reporting and information requests, including between different parties, to minimize the impact on shipboard operations and seafarers; and
 - .4 Considering the harmonization and development of mechanisms to reduce the burdens of reporting and information requests on ships and seafarers.
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