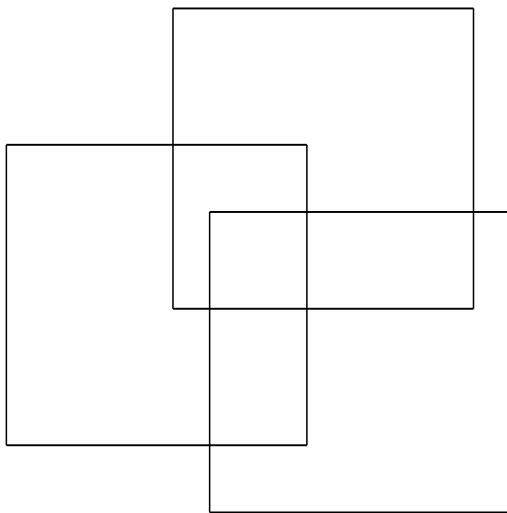




Final report

Meeting of Experts on Maritime Occupational Safety and Health
(Geneva, 13–17 October 2014)



Geneva, 2015

Sectoral
Policies
Department

International
Labour
Standards
Department

MEMOSH/2014/8

INTERNATIONAL LABOUR ORGANIZATION

**Sectoral Policies Department
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INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Meeting of Experts to adopt Guidelines on maritime occupational safety and health (MOSH) was held from 13 to 17 October 2014 at the International Labour Office in Geneva, in accordance with a Governing Body decision at its 319th Session (October 2013). The Governing Body decided that the Meeting would be composed of 18 experts – six experts nominated by the Employers’ group of the Governing Body; six experts nominated by the Workers’ group of the Governing Body; and six experts nominated by the Governments of Argentina, Australia, Norway, Philippines, South Africa and United Kingdom. The Meeting was open to all governments as observers, with those that had already ratified the Maritime Labour Convention, 2006 (MLC, 2006), being particularly encouraged to consider sending observers.
2. The Meeting was attended by six Government experts accompanied by four advisers, six Shipowner experts accompanied by two advisers, and six Seafarer experts accompanied by six advisers. There were 63 observer experts from interested governments, and nine observers from international governmental organizations (IGOs) and non-governmental organizations (NGOs).
3. The purpose of the Meeting was to review and adopt Guidelines on maritime occupational safety and health (hereinafter, the Guidelines). These *Guidelines for implementing the occupational safety and health provisions of the MLC, 2006*, would serve to provide supplementary practical information to flag States to be reflected in their national laws and other measures to implement Regulation 4.3 and the related Code of the MLC, 2006, as well as other relevant provisions under Regulations 3.1 and 1.1.
4. The Officers of the Meeting were:

Chairperson: Ms Mayte Medina (United States)

Vice-Chairpersons: Ms Julie Carlton (Government member, United Kingdom)
Mr Tim Springett (Shipowner member, United Kingdom)
Mr Hans Sande (Seafarer member, Norway) (13–15 October)
Mr Patrice Caron (Seafarer member, Canada) (16–17 October)

Opening speeches

5. The Secretary-General, Ms Alette van Leur, welcomed the participants to the Meeting. The ILO had a long history of developing standards and convening meetings related to most aspects of seafarers’ living and working conditions, including the promotion of seafarers’ occupational health and safety. The proposal for the Guidelines was prepared by the Office as a collaborative effort with inputs from several departments and additional support of expert consultants. The proposed Guidelines for discussion at the Meeting recognized the need to minimize exposure to occupational hazards and risks while on board ships. The purpose of the Meeting was to adopt the Guidelines as a useful tool for the implementation of the MLC, 2006. All the participants of the Meeting were encouraged to engage actively in the discussions and to make suggestions to produce a clear and concise document.
6. The Chairperson explained that the purpose of the Meeting was to review, improve, and adopt the Guidelines. It was difficult to overestimate the importance of safety and health to all seafarers while at sea. The proposed Guidelines prepared by the Office would serve as

the basis for the discussions. The expectation was that the Meeting would adopt guidance that would be helpful to governments, shipowners and seafarers.

7. The Executive Secretary introduced the Office proposal for the Guidelines. She provided a brief overview of its contents and highlighted some issues for the participants' consideration.
8. The Shipowner Vice-Chairperson commended the proposed the Guidelines prepared by the Office for discussion at the Meeting. The proposed Guidelines should be a bridge that links the MLC, 2006, to other international guidance material on seafarers' occupational safety and health (OSH). The Shipowners' group would contribute to the further development of the Guidelines.
9. The Seafarer Vice-Chairperson explained that working on board ships is hazardous and, therefore, the proposed Guidelines provide an essential tool to improve safety and health on board ships. The Seafarers' group looked forward to providing input on the proposed Guidelines. The main objective would be to achieve both functional and practical guidelines for flag States. They would improve the living and working conditions for seafarers and assist the industry with the implementation of Regulation 4.3 and the related Code of the MLC, 2006.
10. The Government Vice-Chairperson thanked the Office for the draft text and said her group looked forward to the work of reviewing the proposed Guidelines. It was, however, important to keep at the forefront of discussions that the proposed Guidelines aimed at providing practical guidance to flag States for MLC, 2006, implementation.
11. An observer expert of the Government of Algeria mentioned that her country had not ratified the MLC, 2006. A special body, which includes seafarers, was currently in charge of voluntary certification procedures in Algeria. Seafarers and shipowners involved in hotel and catering services on board ships should not be overlooked.
12. An observer expert of the Government of Singapore expressed support for the proposed Guidelines to complement, but not replicate, existing guidance material on seafarers' OSH.

Consideration of the proposal for Guidelines on MOSH

13. The Meeting agreed to several changes that needed to be made throughout the document, where appropriate, these included: using the phrase "or subsequent editions" in references where publications may be updated; using "safety committee" and "safety representative" instead of "safety and health" (for consistency with the MLC, 2006); using "OSH policies and programmes" when referring to OSH management systems defined by the MLC, 2006; "risk evaluation" should be changed to "risk assessment"; and "young seafarers" should be "seafarers under the age of 18".

1. Introduction

1.1. The ILO's work in the maritime sector

Paragraphs 1–3

14. The Meeting adopted paragraphs 1–3 as proposed.

Paragraph 4

15. The Shipowner Vice-Chairperson and Secretary proposed to replace the word “reflected” with a less prescriptive verb.
16. An observer expert from the Government of Spain pointed out that the Spanish translation of the Guidelines used the English equivalent of “take into consideration” instead of “reflected”.
17. The Chairperson suggested similar language as found in paragraph 2 of both the Guidelines for flag State inspections and port State control officers carrying out inspections under the MLC, 2006. The experts from the Governments of Australia and Norway, an observer expert from the Government of Algeria and the Seafarer Vice-Chairperson agreed and stated that they preferred to keep the word “reflected” as proposed.
18. The experts from the Governments of Norway and the United Kingdom suggested moving this paragraph to the beginning of the proposed Guidelines, as a new first paragraph. A new heading “1.1. Purpose of the document” should be placed before the paragraph.
19. The Meeting adopted the paragraph as amended and agreed to the new location and heading.

1.2. Occupational safety and health

Paragraph 5

20. The Meeting adopted this paragraph as proposed.

Paragraph 6

21. The Shipowner Vice-Chairperson expressed concern with regards to the inclusion of a reference to a non-maritime document such as the 2009 ILO General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), and Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981. He also suggested moving the last sentence of the paragraph to Chapter 2.
22. The Seafarer Vice-Chairperson and the expert from the Government of Argentina disagreed and stated that general OSH Conventions and Recommendations were also applicable to the maritime sector.
23. The Meeting adopted the paragraph as proposed and agreed to move the last sentence of the paragraph to the end of paragraph 23, the first paragraph under the heading “2.3. Principles of prevention”.

1.3. Understanding the OSH requirements under the MLC, 2006

Paragraph 7

24. The Shipowner Vice-Chairperson suggested the removal of the word “quality” as the MLC, 2006, applied to all shipping. The Meeting agreed with the deletion and the paragraph was adopted as amended.

Paragraph 8

25. The Shipowner Vice-Chairperson proposed and the Meeting agreed to include the complete text of MLC, 2006, Article IV: Seafarers' employment and social rights, in box 1.

Paragraph 9

26. The Meeting adopted this paragraph as proposed.

1.4. Structure of the MLC, 2006

Paragraphs 10 and 11

27. Upon a proposal by the Chairperson, in view of information contained in the appendices, the Meeting agreed to delete paragraphs 10 and 11.

Paragraph 12

28. Upon a proposal by the Chairperson, the Meeting decided to move the paragraph to be the last paragraph of section 1.1. Consequently, section 1.4 was deleted.
29. The Government Vice-Chairperson also proposed to include a footnote regarding resolution VII defining occupational groups, including seafarers.
30. The Meeting adopted the paragraph as amended.

1.5. Enforcement provisions

Paragraphs 13 and 14

31. The Government Vice-Chairperson suggested including references to the enforcement provisions comprised in the MLC, 2006. The Meeting adopted both paragraphs as amended.

Paragraphs 15 and 16

32. The Meeting adopted both paragraphs as proposed.

2. Understanding OSH principles and their application in the maritime sector

2.1. Definition of hazards and risks

Paragraph 17

33. The Meeting adopted the paragraph as proposed.

Paragraph 18

34. The Government Vice-Chairperson proposed that subparagraph 18(a) include the definition contained in the glossary of the *Guidelines on occupational safety and health management systems* (ILO, 2001), modified only to refer to “seafarers’ health” instead of “peoples’ health”. She also proposed to delete the examples, and to retain only the text in the brackets. After further discussion among the Vice-Chairpersons, the Meeting agreed.
35. The Government expert of the United Kingdom proposed changing the word “person” to “seafarer” in subparagraph 18(b).
36. The Meeting adopted subparagraphs 18(a) and (b) as amended by the Government group’s proposal.

Paragraph 19

37. The expert from the Government of the United Kingdom proposed to change the first sentence of the paragraph in order to make it broader. She suggested to replace the phrase “protective equipment” at the end of the first sentence with “control measures”.
38. The Meeting approved the paragraph with this amendment.

2.2. Risk assessment

Paragraph 20

39. The Seafarer Vice-Chairperson proposed to add the phrase “environment, especially working environment” to the second sentence, after the word “property”.
40. The Government Vice-Chairperson also proposed to add a sentence at the end of the paragraph: “Gathering and analysing reliable data and statistics play a key role in conducting risk assessment effectively”. She also suggested that footnote 1 should refer to the ILO 5 step guide for employers, workers and their representatives on conducting workplace risk assessments (ILO, 2013), and that box 2 should contain the five steps from the cited 5 step guide. She also proposed changing the word “workers” with “seafarers” in the second sentence.
41. The Meeting adopted the paragraph with these amendments, including the revised box 2.

Paragraph 21

42. The Shipowner Vice-Chairperson proposed to include an example of a risk matrix in the middle or at the end of the paragraph, and a reference inserted at the end of its second sentence.
43. The Government Vice-Chairperson agreed with the Shipowners’ proposal to include an example of a risk matrix in the text, but explained that risk matrices were not the only way to reduce risk and other means should also be included, and proposed to reformulate the first sentence as: “*Generally, identified risks may be assessed using a risk methodology, for example a risk matrix, to determine ...*”.
44. The Shipowner Vice-Chairperson suggested that the second sentence indicate that investigations of the incident or accident should be carried out before any risk assessments were undertaken; in cases of near misses, root cause analyses should be completed before risk assessments could be reviewed.

-
45. The Seafarer Vice-Chairperson agreed with the Shipowners and added that a risk assessment should also be reviewed after a change in shipowner.
 46. The expert from the Government of Australia responded that it was not certain that the use of root cause analyses was the most effective way of investigating accidents, incidents and near misses.
 47. The Seafarer Vice-Chairperson quoted paragraph 9.1 of the International Safety Management (ISM) Code for consistency: "... are to be investigated and analysed with the objective of improving safety and pollution prevention". The Shipowner Secretary agreed.
 48. There was further discussion of the methods and processes for accident investigations and analyses generally and within the maritime sector, including comments by the expert from the Government of Argentina and the observer expert from the Government of Belgium. The Chairperson emphasized that the Guidelines should be understood by both maritime and OSH specialists.
 49. The Shipowner Vice-Chairperson agreed to delete the words "root cause" as proposed by the Chairperson, but argued that the ISM Code's text could be useful. He proposed to replace the phrase "near misses" with "hazardous situations". The Government group agreed with the new amendment.
 50. The Meeting revisited the Shipowners' proposal to include an example of a risk matrix after the paragraph. The Chairperson suggested the example of a simple risk matrix from the ILO *Training package on workplace risk assessment and management for small and medium-sized enterprises*.
 51. The Meeting agreed to include the proposed sample of a risk matrix and adopted the paragraph as amended.

Paragraph 22

52. The Shipowner Vice-Chairperson raised a concern about the definition of "safety culture". He proposed deleting the reference to the International Maritime Organization (IMO) in footnote 2 and starting the paragraph with the text: "Safety culture has many definitions, but could be perceived as ...".
53. The expert from the Government of Australia said that the first sentence was a quote from the United Kingdom. Therefore, footnote 3 should be retained.
54. The Shipowner Vice-Chairperson proposed to delete the final sentence because it was not helpful and impossible to comply with. The Seafarer Vice-Chairperson disagreed, because carrying out risk assessments required adequate experience.
55. The Meeting then discussed the appropriate formulation of knowledge, training, experience, and/or skills to ensure that the risk assessment team was both competent and inclusive. The Government Vice-Chairperson, the experts from the Governments of Norway and South Africa, and the observer experts from the Governments of the United States, Canada, South Africa and Panama each provided comments.
56. Following this discussion, the Seafarer Vice-Chairperson proposed that the last sentence should read as follows: "*Any seafarer* in the work team should have adequate *knowledge, experience or skills* to participate in *risk* assessments and follow its recommendations to work safely". The Shipowner Vice-Chairperson expressed preference for the original text, which he considered more inclusive. The Chairperson agreed with the Seafarers' proposal

as it incorporated the Canadian proposal, because “knowledge” included training, and the South African proposal, because not everyone will have the skills for risk assessments.

57. The expert from the Government of Australia wondered why the sentence referred to “members of the work team”. The Chairperson explained that the collective group conducting the risk assessment, not each member, required experience and skills of risk assessments. She clarified the Seafarers’ proposal in the sense that adding “in order to participate in an assessment” would allow everyone with knowledge, experience or skills to participate in the team.

58. After further discussion, the Meeting agreed to draft the last sentence as follows: “*All seafarers in the relevant department should have, among them, adequate knowledge, experience or skills to participate in the assessment and follow its recommendations to work safely*”.

59. The Meeting adopted the paragraph as revised.

2.3. Principles of prevention

Paragraph 23

60. The Shipowner Vice-Chairperson proposed adding the last sentence of paragraph 6 to the end of the paragraph. The Meeting agreed to the change and adopted the paragraph, as amended.

Paragraph 24

61. The Meeting adopted paragraph 24 as proposed.

Paragraph 25

62. The Shipowner Vice-Chairperson proposed to replace the word “controls” with “measures” in the first sentence, and to remove the last two sentences which contained examples. He explained that chemicals were widespread in the industry and the examples could lead to misunderstanding.

63. The Vice-Chairperson of the Government Group agreed with the proposed deletions. The expert from the Government of the Philippines offered an alternative example.

64. The Seafarer Vice-Chairperson preferred to delete the examples and suggested that the first sentence should read: “Technical control measures” instead of “Technical controls”.

65. The Meeting adopted paragraph 25 as amended.

Paragraph 26

66. The Meeting adopted paragraph 26 as proposed.

Paragraph 27

67. The Shipowner Vice-Chairperson proposed to delete the proposed paragraph and to replace it with a new paragraph.

68. The Meeting adopted the replacement paragraph as proposed by the Shipowners’ group.

2.4. OSH management systems

Paragraph 28

69. The Shipowner Vice-Chairperson suggested to insert the word “may” before “provide” and to substitute the word “methods” for “means” to soften the impact of the provision.
70. The Government Vice-Chairperson proposed the inclusion of the broader phrase, “improving seafarers’ safety and health” instead of “the prevention of workplace incidents and accidents”. The text in the second sentence was too prescriptive; she suggested replacing “they are frequently based” with “they can be based”.
71. The Meeting adopted the paragraph as amended.

Paragraph 29

72. The Government Vice-Chairperson explained that “safety management” includes “safety policies” and requested the latter text to be removed, and the footnote deleted.
73. The Meeting adopted the paragraph as amended.

Paragraph 30

74. The Meeting adopted this paragraph as proposed.

New paragraph

75. The Shipowner Vice-Chairperson requested a reference in this chapter to the ISM Code. The Government Vice-Chairperson proposed a new paragraph. The paragraph recognizes the importance of safety management systems that meet ISM Code requirements but acknowledges that there are additional health and safety requirements in the MLC, 2006. The Shipowner Vice-Chairperson welcomed this proposal.
76. The Seafarer Vice-Chairperson agreed that a reference to the ISM Code should be included but found the initial text proposed by the Government group inadequate. The overall objective of the ISM Code was to identify risks and establish safeguards. The proposed language seemed to downgrade the ISM Code.
77. The Chairperson explained that although the ISM Code includes the description of safety management systems, the Code was not meant to cover all health issues, which were seen as being within the mandate of the ILO. The Seafarer Vice-Chairperson insisted that the ISM Code provides excellent guidance on maritime health issues and had reservations about the proposed language.
78. After further discussion, the Meeting agreed to the new paragraph.

New paragraph

79. An observer expert from the Government of Denmark proposed a new paragraph, under the new heading “Continuous improvement”. The text introduced guiding principles and instructions for continuous improvement of safety and health policies and programmes on board ships. The Shipowner Secretary agreed with the suggestion and explained that the concept of continuous improvement was a requirement in the MLC, 2006.
80. The Seafarer Vice-Chairperson and Shipowner Vice-Chairperson agreed to the proposal with minor changes for consistency with the rest of the Guidelines.

81. The Meeting adopted the new paragraph as amended.

3. The importance of maritime occupational safety and health

3.1. Maritime occupational safety and health

Paragraph 31

82. The Government Vice-Chairperson suggested that the paragraph be moved to a new location, such as Chapter 1, after paragraph 6. Two new sentences were proposed. The first sentence would be included after “multinational crews” and provide important social considerations to develop a safety culture on board. The second sentence should be inserted at the end of the paragraph; and would account for the potential to develop diseases that appear years after low intensity occupational exposures. She finally suggested that the terms “such as HIV/AIDS” be deleted, as it is not a more representative infectious disease than others.

83. The Meeting agreed to split the paragraph as amended and to move the two paragraphs to Chapter 1. The second new paragraph would start: “Alcohol and drug abuse ...”. The two paragraphs would be moved to follow paragraph 6 at the end of section “1.2. Occupational safety and health”.

Paragraph 32

84. The Shipowner Vice-Chairperson proposed to delete the paragraph as previous Guidelines’ text already illustrated the particular risks. Data collection was already referenced further along in the Guidelines.

85. The Seafarer Vice-Chairperson rejected this proposal as the provision encouraged the collection of OSH data and statistics, and suggested that “perceived” and “relatively” should both be deleted.

86. The Meeting discussed the merits of including the first sentence of the paragraph and whether the language should be amended as proposed by the Seafarer Vice-Chairperson. The expert from the Government of the United Kingdom recommended leaving the word “relatively” in the text.

87. The Shipowner Vice-Chairperson and the experts from the Governments of Australia and Norway did not agree with the Seafarers’ group’s proposal. Leaving a statement labelling shipping as “a dangerous industry” would have a negative impact in the sector.

88. The expert from the Government of the Philippines confirmed the importance of the paragraph to raise awareness about OSH in the maritime sector. According to available data, shipping was considered a highly hazardous industry. An observer expert from the Government of the Republic of Korea supported this statement.

89. After the discussion, the Seafarer and Shipowner Vice-Chairpersons agreed to keep the first sentence as originally proposed.

90. The Government Vice-Chairperson proposed to delete only the last sentence of the paragraph, as Government members felt it did not add any valuable information.

91. The Meeting adopted the paragraph as amended.

3.2. Economic incentives to implement the OSH provisions of the MLC, 2006

Paragraph 33

92. The Seafarer Vice-Chairperson questioned the added value of section 3.2 and proposed to delete it.
93. The Government Vice-Chairperson suggested that the entire section 3.2, including its heading, should be moved to Chapter 1.
94. The Meeting adopted the paragraph as proposed, with the agreement to move it to Chapter 1, following paragraph 8 as a new section 1.4.

Paragraph 34

95. The Government Vice-Chairperson proposed to delete the first sentence of this paragraph but added that the footnote should be moved to the end of the second sentence.
96. The Meeting adopted the paragraph as amended and agreed to moving it, along with the previous paragraph, to a new section 1.4.

New paragraph

97. An observer expert from the Government of Belgium proposed to add a new paragraph to emphasize that OSH measures should be seen as an investment reflecting social and economic excellence.
98. The Shipowner Vice-Chairperson proposed to replace the idea of social and economic excellence with “occupational safety and health”, with the agreement of the Seafarer Vice-Chairperson.
99. The Meeting adopted the paragraph as amended, with the agreement to move it to Chapter 1, following paragraph 8 as the third paragraph under the new section 1.4.

4. The responsibilities of the competent authority of the flag State

4.1. Overview

New paragraph

100. The Government Vice-Chairperson proposed text for a new paragraph based on paragraph 4 of the *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*.
101. The Meeting adopted the new paragraph.

Paragraph 35

102. The Government Vice-Chairperson made two proposals. In subparagraph 35(b), after “seafarer organizations”, the following text should be added: “and take into account applicable codes, guidelines and standards recommended by international organizations, national administrations and maritime industry organizations”. In subparagraph 35(c), after “fly its flag”, a reference to Standard A4.3, paragraph 1, should be added. With that amendment, the remaining subparagraphs could be deleted since the text would be found in the appendix.

103. The Meeting adopted paragraph 35 as amended.

4.2. National guidelines on MOSH

Paragraph 36

104. The Government Vice-Chairperson proposed that the paragraph simply quote Regulation 4.3, paragraph 2.

105. The Meeting adopted the paragraph as amended.

Paragraph 37

106. The Government Vice-Chairperson proposed to add the statement “the competent authority is in all cases responsible for ensuring that guidelines are developed” at the end of the paragraph.

107. The Shipowner Vice-Chairperson stressed that consultation was always a responsibility of the competent authority and, if the task was delegated, consultations with shipowners and seafarers should be ensured.

108. The Meeting adopted the amended paragraph.

4.3. MOSH policies and programmes

4.3.1. Implementation

Paragraph 38

109. The Meeting adopted the paragraph as amended for consistency.

Paragraph 39

110. The Meeting adopted the paragraph as proposed.

Paragraph 40

111. The Government Vice-Chairperson suggested moving this paragraph to Chapter 5, including it in subparagraph 57(l).

112. The Meeting adopted the text of the paragraph as proposed and agreed to move it to subparagraph 57(l).

4.3.2. Content

Paragraph 41

113. The Shipowner Vice-Chairperson proposed to replace the term “national” with “ship-board”. Policies and programmes were a shipowner’s responsibility and were not a matter for national policies for the ship environment.
114. The expert from the Government of Australia stressed the need to keep the word “national” in order to be consistent with the MLC, 2006. The Chairperson also underlined that all the sections of Chapter 4 were about flag State authority responsibilities. She pointed out that, even amending the text of the paragraph, the responsibility would have remained with the national authority. The entire chapter was about implementation procedures, so it was strictly related to national authority actions.
115. The observer expert from the Government of Madagascar stressed that the paragraph wording clearly explained that MOSH policies and programmes had to be enforced by national authorities.
116. The expert of the Government of the United Kingdom stated that Guideline B.4.3.8 of the MLC, 2006, refers to national guidelines and policies on health and safety and that the provision itself did not conflict with the possibility to make shipowners set their MOSH policies and programmes, but the overarching responsibility was a national one.
117. The Chairperson stated that in order to retain consistency with the Convention, “National policies and programmes” should be replaced with “National laws, regulations or other measures”.
118. The Meeting adopted the paragraph as amended.

Paragraph 42

119. The first sentence was amended to be consistent with the amendment of paragraph 41.

Subparagraph 42(c)

120. The Government Vice-Chairperson proposed to substitute “young seafarers” with “seafarers under the age of 18” in subparagraph 42(c). Additionally she proposed adding “safety and” before “health”.

Subparagraph 42(e)

121. The expert from the Government of the Philippines suggested to add “and a safety and health officer be appointed”, following “established”.
122. The experts from the Governments of Norway and Australia noted that the reference made by the expert from the Government of the Philippines referred to “a safety representative” and not “a safety and health officer”. Thus, they did not support the amendment of the Philippines.
123. The Shipowner Vice-Chairperson did not agree with the proposal from the expert from the Government of the Philippines. The Seafarer Vice-Chairperson proposed to address the issue of safety and health officers later in section 6.6.

Subparagraph 42(h)

- 124.** The Government Vice-Chairperson proposed to insert the words “and provided with occupational safety and health information” at the end of the sentence.
- 125.** The Meeting adopted paragraph 42 and its subparagraphs as amended.

4.3.3. Promotion

Paragraphs 43 and 44

- 126.** The Meeting adopted the paragraphs as proposed.

4.4. International cooperation

Paragraph 45

- 127.** The Meeting adopted the paragraph as proposed.

Paragraph 46

- 128.** The Shipowner Vice-Chairperson proposed to retain the first sentence and replace the remaining examples with references to ILO/IMO cooperation, for example the *Guidelines on the medical examinations of seafarers*.
- 129.** The expert from the Government of Argentina said that some general documents concerning hazardous materials and the right of work should also be included.
- 130.** The Shipowner Secretary noted that there were specific requirements of the IMO in terms of safety, for example, chemical use. She stated she would prefer to have the first example, followed by specific maritime examples.
- 131.** As suggested by the Chairperson, the secretariat submitted a new draft of the paragraph to incorporate the suggestions from the Meeting participants. The new language included references to documents that were developed in collaboration between the ILO and the IMO and other ILO technical standards that were universally applicable.
- 132.** The Seafarer Vice-Chairperson supported the comment from the secretariat about including instruments that apply to all workers since they should take into account examples of other sectors.
- 133.** The Shipowner Secretary appreciated the new version text and suggested that it also refer to the World Health Organization (WHO) as well.
- 134.** The Meeting adopted the new version of paragraph 46 as amended.

4.5. Consultation with shipowners' and seafarers' organizations

Paragraphs 47 and 48

- 135.** The Government Vice-Chairperson suggested that the text of paragraphs 47 and 48 as amended could follow section “4.2. National guidelines on MOSH”, after paragraph 36. The Shipowner Vice-Chairperson and the Seafarer Vice-Chairperson agreed with the proposal to move both paragraphs.
- 136.** The Shipowner Vice-Chairperson suggested that it would be better to refer to Article VII of the MLC, 2006, on more general tripartite consultations in countries without tripartite committees.
- 137.** An observer expert from the Government of the United States mentioned that when paragraph 47 was moved, the first sentence was a duplication of the one above and therefore should be deleted.
- 138.** The Meeting adopted paragraph 47 as amended, and agreed to move both paragraphs 47 and 48 to section 4.2 following paragraph 36.

4.6. Periodic review

Paragraphs 49 and 50

- 139.** The Meeting adopted these paragraphs as proposed.

Paragraph 51

- 140.** The Shipowner Vice-Chairperson suggested amending the paragraph’s final sentence by deleting “this also corresponds to objectives in the ISM Code on”, the wording “which” and footnote 37. Thus, the last sentence would read: “Continuous improvement of systems and skills should be an integral part of any policy and programme promoting OSH.”
- 141.** The experts of the Government of the United Kingdom and the Government of Australia supported the Shipowners’ proposal. She noted that the ISM Code did not apply to national governments and thus did not make sense to include it in paragraph 51.
- 142.** The Meeting adopted the paragraph as amended.

4.7. Privacy and protection of seafarers’ personal data

Paragraphs 52 and 53

- 143.** The Meeting adopted the paragraphs as proposed.

New paragraph

- 144.** The Government Vice-Chairperson proposed to broaden the section and suggested a new paragraph after paragraph 53 including the provisions that protect seafarers who make a complaint.
- 145.** The Seafarer Vice-Chairperson supported the Government group proposal.

146. The Shipowner Vice-Chairperson supported the Government group proposal and suggested that there should be a new section 4.8 entitled “Fair treatment of seafarers” following paragraph 52 which would include paragraph 53 and any subsequent paragraphs.

147. The new paragraph and heading were adopted as amended.

New paragraph

148. The expert from the Government of Denmark made a proposal to add language to protect the safety representative from reprisal.

149. The Shipowner Vice-Chairperson stated there was no problem with Denmark’s suggestion but noted that subparagraph 75(c) covered the point and duplication should be avoided.

150. The observer expert from the Government of Finland suggested deleting the beginning of the proposal by Denmark, namely “The competent authority should” as it was a shipowner’s responsibility.

151. The Seafarer Vice-Chairperson preferred to keep the text as it was proposed and proposed to add “appointed or” in front of the word “elected”.

152. The Shipowner Vice-Chairperson suggested deleting subparagraph (c) of paragraph 75 to avoid duplication.

153. The experts from the Governments of Argentina and Australia and the observer expert from the Government of Madagascar supported the original proposal. The dual responsibility of both shipowners and the national government was important to emphasize.

154. The Chairperson stated that both governments and shipowners have a responsibility and this was played across the board.

155. The new paragraph was adopted as amended, as well as the insertion of a new heading 4.8, “Fair treatment of seafarers”.

5. The responsibilities of shipowners and seafarers

5.1. Shipowners’ responsibilities and obligations

Paragraph 54

156. The Shipowner Vice-Chairperson proposed to move the paragraph under a heading 5.1 titled “Introduction” and to include more language from subparagraph 2(b).

157. The Seafarer Vice-Chairperson agreed, and suggested that the entire paragraph be quoted. The Chairperson suggested that a reference to Standard A4.3, subparagraph 2(b), at the beginning of the paragraph would be clearer and the footnote could be deleted.

158. The Meeting agreed and adopted the paragraph as amended.

Paragraph 55

- 159.** The Shipowner Vice-Chairperson proposed to delete the first sentence of the paragraph, noting that it was understood that masters were the representative of the shipowner at sea. He proposed that the second sentence read “Shipowners should ensure that masters have adequate support to carry out their responsibility for safety and health management while on board effectively”.
- 160.** The Meeting agreed to the proposals and adopted the paragraph, as amended.

Paragraph 56

- 161.** The Shipowner Vice-Chairperson proposed to delete the words “and their organizations”. He explained that consultation with seafarers was desirable but not always practicable. In certain cases, national organizations of seafarers could provide the best point of contact during annual reviews of OSH policies.
- 162.** The Seafarer Vice-Chairperson did not agree, noting that some situations were governed by collective bargaining agreements, in which case the relevant seafarer organization needed to be consulted.
- 163.** With the understanding that organization referred to national seafarers’ organizations, the Government Vice-Chairperson proposed to insert, after “seafarers”, the words “and, where appropriate, their national organizations”.
- 164.** The Meeting agreed to this proposal and adopted the paragraph, as amended.

Paragraph 57 chapeau

- 165.** The expert from the Government of Australia suggested further clarification would be needed with regards to the shipowners’ responsibilities included within this paragraph. He suggested replacing “Shipowners should” with “The competent authority should ensure that shipowners”.
- 166.** The Shipowner Vice-Chairperson welcomed this amendment and recommended to review the scope of each requirement.
- 167.** The Government Vice-Chairperson proposed the creation of a tripartite working group. The purpose of their review would include examining whether the paragraph’s requirements go beyond the scope of the MLC, 2006. The working group should report back to the Meeting after their review.
- 168.** The Government Vice-Chairperson provided the new version of paragraph 57 and its subparagraphs.

Subparagraph 57(a)

- 169.** The Shipowner Vice-Chairperson proposed to delete the word “suitable”, stating that it was a subjective concept. He further proposed to add at the end of the paragraph, after “improvement”, the words “taking into account the applicable national guidelines for the management of occupational safety and health aboard ships.”
- 170.** The Government Vice-Chairperson suggested adding a reference to relevant national organizations. The Seafarer Secretary offered the friendly amendment that the better phrase would be the representative seafarers’ organizations.

171. The Meeting agreed to the proposal and adopted the paragraph, as amended.

Subparagraph 57(b)

172. The Shipowner Vice-Chairperson proposed to change the paragraph to read “Comply with all international and national laws, regulations, standards or codes of practice that support the MLC, 2006.” The Meeting agreed to this amendment.

173. The Shipowner Vice-Chairperson further suggested deleting the rest of paragraph 57, and instead a reference should be made to the *IMO Guidelines on the basic elements of a shipboard occupational safety and health programme* (MSC-MEPC.2/Circ.3, 5 June 2006). This circular enumerated many of the shipowner responsibilities in the area of safety and health.

174. The Seafarer Vice-Chairperson rejected the proposed deletions, as he was not familiar with the content of this IMO Circular.

175. The Government Vice-Chairperson cautioned the Meeting about the lack of time to review the circular. Also, several references had already been included within that chapter of the Guidelines. She advised the Meeting against unnecessary use of references to external documents. The expert from the Government of Norway supported the Government Vice-Chairperson’s position.

176. The Meeting rejected the inclusion of the IMO Circular.

177. The observer expert from the Government of the United States stated that the Meeting should decide whether the shipowner’s responsibilities would be listed in the Guidelines. These requirements would be checked by port State authorities.

178. The Seafarer Vice-Chairperson suggested adding language to subparagraph 57(f) to encourage the establishment of a safety committee.

179. The Meeting also suggested some editorial changes to the new proposal.

180. The Meeting adopted the new version of paragraph 57 and its revised subparagraphs as amended.

Paragraph 58

181. The Meeting adopted the paragraph as proposed.

Paragraph 59

182. The Shipowner Vice-Chairperson highlighted that the term “near miss” had already been replaced by “hazardous situation” in paragraph 21. Reporting near misses entails a reactive response whereas analysing hazardous situations translates into a proactive approach.

183. After some discussion, the Meeting agreed to replace throughout the Guidelines the terms “near-miss incidents” to “incidents and hazardous situations”.

184. The Government Vice-Chairperson proposed to replace “may” with the word “should” in the last sentence of the paragraph.

185. The Meeting adopted the paragraph as amended.

Paragraph 60

- 186.** The Government Vice-Chairperson proposed to insert “at no cost to the seafarer” after “recreational services”.
- 187.** The Meeting agreed to this inclusion and adopted the paragraph as amended.

5.2. The master’s duties and responsibilities

- 188.** The Government Vice-Chairperson suggested that the heading of this section should read “The master’s responsibilities”.
- 189.** The Meeting agreed to this amendment.

Paragraph 61 chapeau

- 190.** The Shipowner Vice-Chairperson suggested to include “or a person designated by the master to take specific responsibility for the implementation of and compliance with the ship’s occupational safety and health policy and programme” after the term “master”.
- 191.** The Executive Secretary clarified that when this paragraph was originally drafted it was intended exclusively for the ship’s master and provisions for the responsibilities delegated to another seafarer were addressed in another section.
- 192.** After further discussion, the Chairperson suggested that the text of the Guidelines should match the Convention as much as possible. The Meeting adopted the chapeau as proposed.

Subparagraph 61(b)

- 193.** The Government Vice-Chairperson suggested replacing “a culture of safety” with “a positive safety culture”.
- 194.** The Meeting adopted the subparagraph as amended.

Subparagraph 61(c)

- 195.** The Government Vice-Chairperson proposed to substitute the term “risk evaluation” with “risk assessment”.
- 196.** The Meeting adopted the subparagraph as amended.

Subparagraph 61(k)

- 197.** The Government Vice-Chairperson proposed to replace the term “officers” by “representatives” and the inclusion of “and elected” after “are appointed”.
- 198.** The Seafarer Vice-Chairperson stated that the sentence should read “appointed or elected”.
- 199.** The Meeting adopted the subparagraph as amended.

Subparagraph 61(l)

- 200.** The Government Vice-Chairperson suggested to replace “meet the training requirements and can” with “are competent to”.

201. The Meeting adopted the subparagraph as amended.

5.3. Seafarers' responsibilities

Subparagraph 62(d)

202. The Shipowner Vice-Chairperson proposed to substitute “when appropriate” with “as instructed”. The expert from the Government of Australia voiced concern as he felt that seafarers need to wear appropriate equipment at all times. The Shipowner Vice-Chairperson proposed to change his proposal to “as instructed and otherwise when appropriate”.

203. The Meeting adopted this subparagraph as amended.

Subparagraph 62(g)

204. The Seafarer Vice-Chairperson stated that seafarers have the right to remove themselves from dangerous situations. Consequently this subparagraph should be moved to the master's responsibilities section.

205. The Shipowner Vice-Chairperson pointed out that this subparagraph was aimed at providing guidance to flag States. The Meeting rejected the proposal to move the subparagraph from its current location.

206. The Government Vice-Chairperson suggested including the word “initially” after the word “circumstances” to better outline responsibilities.

207. The Shipowner Vice-Chairperson suggested the inclusion of a footnote after the words “safety and health”. The footnote would include a reference to the ILO document *Accident prevention on board ship at sea and in port*, paragraph 2.5.2. He also proposed to include the term “seafarer's supervisor” instead of “competent officer”.

208. The Meeting adopted the subparagraph as amended.

Subparagraph 62(h)

209. The Government Vice-Chairperson presented a proposal to amend this subparagraph. The Meeting was not able to agree on the new language proposed by the Government group.

210. The observer expert from the Government of Belgium suggested deleting the word “potential” from the first phrase.

211. The Seafarer Vice-Chairperson proposed to insert “and verify that instructions are understood” after the first phrase.

212. The working group proposed a new phrase to replace the last phrase of the subparagraph: “and provide an opportunity for clarification to be sought.”

213. The Meeting adopted the revised text as amended.

Paragraph 63

214. The Meeting adopted the paragraph as proposed.

6. The safety and health committee

215. The Meeting agreed to change the name to “The safety committee”.

6.1. Introduction

Paragraph 64

216. The Shipowner Vice-Chairperson proposed to delete the last sentence of this paragraph.

217. The Meeting adopted the paragraph as amended.

6.2. Purpose and objective

Paragraph 65

218. The Government Vice-Chairperson highlighted the need to ensure that the Guidelines remain consistent with the MLC, 2006. She proposed amendments to the paragraph that would more accurately capture health matters. She also suggested to delete the terms “senior management, other managers, officers, crew and other employees” to replace it with “the shipowner and seafarers at all levels and all departments”. The word “administration” should also be deleted from the text.

219. The Shipowner Vice-Chairperson agreed with the amendments presented by the Government group. He further proposed to delete “including mental well-being” from the text.

220. The Seafarer Vice-Chairperson did not agree with the deletion of “mental well-being”.

221. The observer expert from the Government of Belgium proposed to refer to the definition of health as established in the Constitution of the WHO. This definition included mental well-being.

222. The Shipowner Secretary clarified that she regarded mental health to be an important component of seafarers’ health. The WHO health definition should be included in a footnote after “safety and health”.

223. The Meeting agreed to these changes, and the paragraph was adopted as amended.

New paragraph

224. The Government Vice-Chairperson proposed to move paragraph 68 directly after paragraph 65, within the “Purpose and objective” section.

225. The Meeting agreed to move the contents of paragraph 68 to immediately follow paragraph 65.

6.3. Composition and responsibilities

Paragraph 66

- 226.** The Government Vice-Chairperson explained that the text in this paragraph was seen as too prescriptive by the Government group. Instructions regarding the proposed safety committee should not be overly detailed.
- 227.** The Government group proposal was introduced by the expert from the Government of Australia. He explained that the discussions within the Government group had focused on the definition of safety officer and safety representative. They help to develop the safety culture on board. The committee size should be based on the number of people working on the ship.
- 228.** The Seafarer Vice-Chairperson stressed the importance of having effective representation. The safety committee size depends on the size of the crew and the complexity of the ship. He proposed to include a new sentence to read: “The composition of the safety committee should be such that the entire crew at all levels has effective representation.”
- 229.** The Shipowner Vice-Chairperson suggested deleting the phrase “For ships with five or more crew members” as it was repetitive with paragraph 64. He believed that safety committees should include at least “one” instead of “two” safety representatives. Finally, deleting the words “the size of the ship” would avoid confusions between vessel complexity and size, and crew numbers.
- 230.** After further discussion, the Meeting decided that the paragraph needed to be redrafted without such detailed examples, and the figures needed to be reconsidered.
- 231.** The Meeting later reviewed a new version of the paragraph and the figures, which were more flexible, did not rely exclusively on the term “safety officer” and emphasized the need for effective representation of the seafarers on board the ship.
- 232.** The Shipowner Vice-Chairperson proposed to add as a final sentence to the paragraph: “There is a variety of ways in which a safety committee may be composed.”
- 233.** The Seafarer Vice-Chairperson suggested changing the term “variety” for “number”.
- 234.** The Government Vice-Chairperson proposed several drafting changes. The expression “where appropriate” should be inserted after “on board” to soften the prescriptive drafting of the second sentence. In the third sentence, she suggested the insertion of the terms “as far as possible” after the word “should”.
- 235.** The Seafarer Secretary voiced concern regarding the fourth sentence. He suggested to delete the sentence. Alternatively, the word “shipowner” could be replaced with “authority”.
- 236.** The experts from the Governments of Australia and the United Kingdom concurred, and expressed preference to deleting the fourth sentence of the paragraph. The observer expert from the Government of Denmark supported all proposed amendments.
- 237.** The Meeting agreed to the new version of the paragraph as amended.

New figures (following paragraph 66)

- 238.** The Chairperson proposed the wording “Examples of safety committee composition” as the heading title for figures 1, 2 and 3.

239. The Meeting agreed to this change.

Figure 3

240. The Government Vice-Chairperson suggested replacing “Catering Department” with “Catering/hotel department”.

241. The Meeting agreed to this change and adopted the figures as amended.

Paragraph 67

242. The observer expert from the Government of Argentina proposed, on behalf of the Government group, language to address ships with fewer than five crew members.

243. The Meeting agreed to this text, and adopted the paragraph as amended.

Paragraph 68

244. The Shipowner Vice-Chairperson suggested an amendment to the chapeau to this paragraph, which could read “functions” instead of “duties and responsibilities”. He went on to suggest other changes in subparagraphs 68(a), (b), (c), (d) and (h), to soften the language, since these were duties of the master rather than the safety committee.

245. The Seafarer Vice-Chairperson stated that they agreed with the proposal of the Shipowner Vice-Chairperson which offered additional amendments to subparagraph 68(a). He explained that they agreed with amendments on subparagraphs 68(b) and (c), in principle, but found “assisting” too weak and suggested its replacement with the term “taking part in” which would imply a more active approach.

246. The Shipowner Vice-Chairperson agreed with the subamendments suggested by the Seafarer Vice-Chairperson.

247. The expert from the Government of the Philippines stated that the safety committee was an advisory committee that develops and implements policies.

248. The Shipowner Vice-Chairperson proposed a change to the Seafarer Vice-Chairperson’s changes to subparagraph 68(d) and suggested the replacement of the words “taking part in suggesting” with “proposing and taking part” and to replace the word “after” with “in”.

249. The Seafarer Vice-Chairperson stated that, in subparagraph 68(d), the phrase “consultation with the shipowner” was a problem. The observer expert from the Government of the United States suggested that the text should be more specific and could read “consultation with the master”. The Shipowner Vice-Chairperson agreed.

250. The Meeting adopted the amended paragraph and agreed to move it to follow after paragraph 65.

6.4. Safety and health committee meetings

Paragraph 69

251. The Government Vice-Chairperson suggested an amendment to the first sentence by inserting “taking into account the pattern of operation of the ship and the arrangement for manning” and removing the term “at a minimum once every quarter”.

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- 252.** The Seafarer Vice-Chairperson stated that the use of “pattern of operation” may not be entirely clear and would require a reference to the Guidelines, as the meetings could be avoided entirely if this point is not made explicitly clear.
- 253.** The Government Vice-Chairperson responded that the sentence clearly stated that meetings should be held regularly but the original language was too rigid. The Shipowner Vice-Chairperson stated that they agreed with the amendment.
- 254.** The Seafarer Vice-Chairperson stated that they were satisfied by the clarification provided by the Government Vice-Chairperson on the amendment to the first sentence of paragraph 69.
- 255.** The Shipowner Vice-Chairperson requested clarification from the Office on the second sentence in paragraph 69. The Deputy Secretary-General clarified that the idea of this sentence was to resolve issues at the shipboard level first.
- 256.** The Shipowner Vice-Chairperson proposed to include a new second sentence in the paragraph to make the text in line with its interpretation: “Any seafarer should normally consult the safety committee before contacting the shipowner.”
- 257.** The Seafarer Vice-Chairperson did not agree with the proposal since seafarers could contact the shipowner without prior consultation, as recommended in the ISM Code.
- 258.** The expert from the Government of the Philippines was concerned about the wording of the third and fourth sentences, and thought that the third sentence should not follow the sentence regarding acute safety and health matters. She emphasized that the guidelines should be clear that acute safety and health matters should be dealt with urgently.
- 259.** The expert from the Government of Australia stated that the intention of the paragraph was unclear and could imply that the master could not contact his own shipowner. He proposed to rephrase the second sentence as: “Whenever possible, safety and health issues should be dealt with at a shipboard level through the safety committee before referral to the shipowner for assistance” and delete the following phrase “it is recommended that”.
- 260.** The Shipowner Vice-Chairperson withdrew their proposal but argued that the Australian proposal needed further work. He proposed to have a full stop after the word “committee”.
- 261.** The expert from the Government of Australia disagreed with the shipowners suggestion that if something serious happened on a ship, the seafarers should wait for the shipowner to act. He proposed to delete the whole sentence starting with “It is recommended that ...”.
- 262.** The Seafarer Vice-Chairperson supported the expert from the Government of Australia. The master should be aware of acute safety and health matters and should act immediately. He proposed replacing “dealt promptly” with “addressed immediately”.
- 263.** The Office explained that the section intended to deal with three different situations: regular meetings; meetings that members could call upon to address particular issues; and incidents that should be dealt with immediately. The Chairperson proposed that the Office redraft the paragraph more clearly, taking into account the discussion of the Meeting.
- 264.** The newly drafted paragraph left an orphan sentence regarding the competent authority defining the frequency of meetings. The Meeting agreed to move the sentence to the beginning of paragraph 69.

265. The Government Vice-Chairperson agreed with the new drafting and suggested that continuous safety improvement should also be included in the first sentence.

266. The Meeting adopted the new version of paragraph 69 as amended.

Paragraph 70

267. The Meeting adopted the paragraph as amended by the agreed global changes regarding “near misses”.

Paragraph 71

268. The Meeting adopted the paragraph as amended by the agreed global changes.

Paragraph 72

269. The Seafarer Secretary argued that this was one of the special cases where everybody on board should have a copy of the minutes from the safety committee.

270. The expert from the Government of Australia agreed with the Seafarers’ concern.

271. The expert from the Government of the United Kingdom suggested replacing “employees” with “those working”.

272. The Meeting adopted the paragraph with amendments.

New paragraph

273. The observer expert from the Government of the United States pointed out that the section could possibly be perceived to contradict on-board complaint procedures as established in Regulation 5.1.5 of the MLC, 2006. He proposed including a reference at the end of the section as a new paragraph to make sure that the Guidelines would by no means restrict the right to follow on-board complaint procedures.

274. The Seafarers and Shipowners agreed on including a reference to Regulation 5.1.5. It was decided that the expert from the Government of the United States would propose the specific text.

275. The Meeting agreed to include the new paragraph at the end of the section.

6.5. Seafarer safety and health representative

Paragraph 73

276. The Shipowner Vice-Chairperson found that the requirement for the safety representative to have more than two years of experience was too prescriptive. The observer expert from the Government of the United States agreed.

277. The Seafarer Vice-Chairperson disagreed, arguing that the safety representative should have two years of experience. The expert from the Government of the Philippines agreed with the Seafarers.

278. The Shipowner Secretary noted that it was an opportunity for maritime schools to establish the best practices and be involved.

279. The Government Vice-Chairperson noted that the sentence already permitted flexibility since it was a recommendation. The Seafarer Vice-Chairperson agreed with the Government Vice-Chairperson.

280. The Meeting adopted the paragraph as amended with the agreed global changes only.

Paragraph 74

281. The Government Vice-Chairperson suggested that in light of the amendments to paragraph 66, this paragraph should be deleted.

282. The Meeting agreed to delete the paragraph.

Paragraph 75

283. The Government Vice-Chairperson was concerned about using the term “ratings” in subparagraph 75(a) as it is not used in the MLC, 2006 but she recognized the importance of representation. She suggested amending “appointed from the ratings” to “their work group or department”. The Seafarer Vice-Chairperson agreed.

284. The Shipowner Vice-Chairperson stated that the statement was too narrow as there could be instances when there is only one person in a department. He suggested amending the statement to read “seafarers on board”.

285. The observer expert from the Government of the United States suggested that “work groups or department” was sufficient.

Subparagraph 75(b)

286. The Shipowner Vice-Chairperson proposed to add “required by the shipowner” at the end of subparagraph 75(b).

287. The Seafarer Vice-Chairperson objected to the proposal to subparagraph 75(b) mentioning that training was not required by the shipowner but by the flag State.

288. The Shipowner Vice-Chairperson stated that training is mandatory as set out by the flag State, but still should be required by the shipowner, who must comply with national laws.

289. The Seafarer Vice-Chairperson pointed out that in that case, there was no need to differentiate.

290. The expert from the Government of Australia proposed a subamendment to subparagraph 75(b). Both the Seafarers’ and Shipowners’ groups agreed.

Subparagraph 75(f)

291. The Shipowner Vice-Chairperson suggested to add “when required to do so” at the end of subparagraph 75(f), to ensure that in case the member of the safety committee was involved in an accident or incident, she/he should not be a member of the investigation team.

292. The Seafarer Vice-Chairperson proposed a subamendment for paragraph 75(f) to state more directly the Shipowner’s intention.

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- 293.** The observer expert from the Government of Namibia proposed to add “unless contrary to national laws or practices”, in line with the Code of practice on accident prevention on board ship at sea and in port.
- 294.** The expert from the Government of Australia suggested amending “should not participate in the investigation” into “should not be a member of the investigation team” for clarification.
- 295.** The Government Vice-Chairperson proposed redrafting the subparagraph to read: “participate in the investigation of accidents and incidents. A safety representative who has been involved in an accident or incident should not be a member of the investigation team.”
- 296.** The Meeting adopted the amended paragraph and its subparagraphs.

6.6. Safety and health officers

Heading

- 297.** The Secretary of the Shipowners’ group said that the title should be changed from “Safety and health officers” to “Safety officers”. The Seafarer Vice-Chairperson agreed with the Shipowners in that the title would be “Safety officers”.
- 298.** The Government Vice-Chairperson said that the title of the seafarer delegated safety responsibilities would change from country to country.
- 299.** The Meeting adopted the revised title.

Paragraph 76

- 300.** The expert from the Government of Australia proposed the deletion of the whole paragraph in light of the amendments to paragraph 66.
- 301.** The Meeting agreed to delete the paragraph.

Paragraph 77

- 302.** The Government Vice-Chairperson suggested that the first line read “Where appointed, the safety officers should”.
- 303.** The Shipowner Vice-Chairperson mentioned that the tasks included in this paragraph were primarily the responsibility of the master.
- 304.** The Seafarer Vice-Chairperson argued that the tasks were more operational requirements and they should not be put under the master’s responsibility. For that reason, he agreed with the Government group proposal.

Subparagraph 77(a)

- 305.** The Shipowner Vice-Chairperson suggested replacing “management systems” with OSH policies and programmes.

Subparagraph 77(f)

- 306.** The Seafarer Vice-Chairperson suggested to move subparagraphs 77(f) and (g) to another section due to the level of knowledge and responsibility necessary.
- 307.** The expert from the Government of the Philippines proposed to change the paragraph to read “ensure that seafarers/workers handling the chemicals are given adequate information on the intrinsic properties of the chemicals and the precautionary measures to check that chemicals are used only in workspaces and by methods appropriate to the chemical to provide effective protection against accidents, injuries and diseases”.
- 308.** The Shipowner Secretary asked for an alternative wording of the proposal from the expert of the Philippines and suggested suitable text from *Accident prevention on board ship at sea and in port*, paragraph 5.2.1: “Toxic and other hazardous substances and products should be used and stored in such a way that users and others are safeguarded against accidents, injuries or particular discomfort.”
- 309.** The expert from the Government of the Philippines noted the need to include a sound management of the chemicals.
- 310.** Both the Seafarer Vice-Chairperson and the observer expert from the Government of France supported the proposal from the expert from the Government of the Philippines. The Shipowner Vice-Chairperson also accepted the proposal.
- 311.** The Seafarer Secretary said responsibilities were not only applicable to seafarers, and masters should always be responsible.
- 312.** Taking into account the discussion, the Shipowner Vice-Chairperson suggested alternative phrasing to the proposal from the expert of the Philippines.

Subparagraph 77(j)

- 313.** The Seafarer Vice-Chairperson proposed in relation to subparagraph 77(j) to introduce “together with the safety committee,” just after the first word.

New subparagraph

- 314.** The expert from the Government of the United Kingdom suggested a new paragraph following paragraph 77 which would read: “Where appointed the safety officer should be a member of the safety committee.”
- 315.** The Shipowner Vice-Chairperson noted that in order to avoid confusion the new paragraph should be incorporated into paragraph 77 as subparagraph 77(m).
- 316.** The Meeting adopted the paragraph and its subparagraphs as amended.

New paragraph

- 317.** The expert from the Government of Australia proposed new language to follow paragraph 77: “Where national laws and regulations do not require a safety officer, the master should ensure that these functions are carried out by the safety representatives or other competent person(s)”.
- 318.** The Shipowner Vice-Chairperson suggested amending the proposal to read “appropriate competent persons”.

319. The Meeting adopted the proposal for a new paragraph.

6.7. Training for safety and health committee members

Paragraph 78

320. The Government Vice-Chairperson stated that the first sentence was too restrictive as there were no internationally agreed courses. She proposed to amend the first sentence to “receive sufficient training in occupational safety and health”.

321. The Seafarer Vice-Chairperson agreed with the proposal and suggested replacing the word “skill” with “knowledge to maintain health and safety”.

322. The observer expert from the Government of the United States suggested that the second sentence should include “obtain skills *or knowledge* in occupational safety and health”.

323. The Meeting adopted the paragraph as amended.

Paragraph 79

324. The expert from the Government of the United Kingdom questioned whether all members of the safety committee would be needed to be familiar in all these technical areas and sought the views of the plenary on this matter.

325. The Seafarer Vice-Chairperson stated that they felt that all members of the safety committee should be familiar with these areas otherwise there would be a gap in their competencies.

326. The expert from the Government of Norway agreed with the Seafarer Vice-Chairperson, and noted there was no consensus within the Government group on this matter.

327. The expert from the Government of the United Kingdom proposed to change the chapeau to read “The training provided to the safety committee members should ensure that they are familiar with”.

328. The Seafarer Vice-Chairperson stressed that the Meeting should ensure that everyone had the knowledge and training to do their jobs.

329. The Shipowner Vice-Chairperson clarified that the last thing they wanted to do was limit the seafarers’ ability to do their job and they should be able to act responsibly and in due time.

330. The Meeting suggested alternative language for the chapeau which would read: “All elected and appointed committee members should, as a minimum, be given basic training on the following subjects:”.

331. The Shipowner Vice-Chairperson agreed with the expert from the Government of the United Kingdom. The expert from the Government of Australia supported the Seafarer Vice-Chairperson’s views.

Subparagraph 79(e)

- 332.** The Government Vice-Chairperson pointed out that subparagraph 79(e) seemed incomplete, and suggested to add the phrase “is available to seafarers” to the end of the sentence.
- 333.** The Meeting adopted the paragraph and its subparagraphs with a few editorial changes for consistency.

New paragraphs

- 334.** Based on the discussion of section 6.7, the Meeting adopted two new paragraphs regarding the expertise of the members of the safety committee, and that time and resources should be allocated for the training and development of new safety committee members.

7. Risks from harmful exposure

General discussion

- 335.** The Government Vice-Chairperson stressed that Chapter 7 was the most important part of the Guidelines. It should include an explanation in the introduction regarding the subjects covered and it needed some additional revising.
- 336.** The Shipowner Vice-Chairperson also stated that Chapter 7 was pivotal to the entire document and that the existing instruments in the references should be categorized whether they are mandatory or not. He proposed to change the word “ensure” in the last part of every section to “provide guidance”. He also pointed out that the Guidelines should not focus on European regional standards or other specific regions, but should be globally applicable.
- 337.** The Seafarer Vice-Chairperson noted that the chapter should be closely reviewed to ensure that the chapter reflect the content laid out in Standard A4.3.2 of the MLC, 2006.
- 338.** The observer expert from the Government of Madagascar proposed five sections for covering all ambient factors (work position, psychological factors, biological infections and related health, environmental factors, radiation, and chemical factors).
- 339.** The observer expert from the Government of Canada asked that violence in the workplace be explicitly addressed including guidance on possible measures to prevent violence.
- 340.** The Chairperson established a six-person tripartite working group to redraft Chapter 7. The working group included:
- Mr Yanpin Huang (Government, China)
 - Ms Hilde Stange (Government, Norway)
 - Ms Sarah Elizabeth Cerche (Shipowner, Australia)
 - Capt. Klaus Uwe Ricke (Shipowner, Cyprus)
 - Mr Rossen Karavatchev (Seafarer, United Kingdom)
 - Mr Allan Graveson (Seafarer, United Kingdom)

Introduction of the revised proposal from the working group

341. The spokesperson for the working group, a Seafarer expert explained that the tripartite working group had revised Chapter 7, and focused on expanding the parts that were missing from the Office’s proposal. They welcomed China’s proposal to restructure the chapter. He explained the overall structure. The new draft was a working document that had been developed in a short time period. The Office’s proposal had been stripped of all references that were not international, relying primarily on documents produced by the ILO, the IMO or the WHO. Sections 7.1 and 7.2 identified the hazards, the dangers associated with the hazards, and how to address them, making suitable references where more detailed information could be found. The working group reviewed the entire section. The new section 7.3, “Inherent hazards to working on board ships”, was a comprehensive and inclusive section. It referred to the MLC, 2006, Guideline B4.3.1(2). The working group drafted the new chapter to be easy to read and well organized.

342. The working group proposed a new title for Chapter 7, “Risks involved on board ships”.

343. The Meeting agreed with the new structure of Chapter 7 and the new title.

7.1. Exposure to harmful levels of ambient factors

344. The working group proposed to change the title of section 7.1 to “Overall introduction”.

Paragraph 80

345. The Government Vice-Chairperson proposed a new first sentence as follows: “Any occupational health risk may lead to disability, temporary disability or to reduced work capability.” She also proposed to delete “policies and procedures” from the second sentence of the original text, and replace it with the phrase “appropriate control measures”.

346. The Meeting adopted the new title of section 7.1 and the amendments to the revised paragraph 80.

Paragraph 81

347. The Meeting adopted the revised paragraph 81 as proposed.

Paragraph 82

348. The Government Vice-Chairperson believed that if referring to traditional classifications, airborne chemicals should be listed as well. However, she recognized that airborne chemicals were included with a specific reference to chemicals in the MLC, 2006. She proposed to replace “traditionally classified as” with “The ambient factors covered in this section are”.

349. The Meeting agreed with the amendments to the revised paragraph 82.

7.2. Noise

350. The working group proposed to change the heading of section 7.2 to “Exposure to harmful ambient factors”

New subsection: 7.2.1. Noise

Paragraphs 83–85

351. The Meeting adopted the revised paragraphs as proposed by the working group.

Paragraph 86

352. The Meeting discussed the merits of repeating the information provided in Guideline B4.3.2, paragraph 2, even though the section could be found in the appendix of the Guidelines. The Government Vice Chairperson said that leaving most of this paragraph purely as a footnote risked losing the point of preventative measures. She suggested to add “as set out in B4.3.2, paragraph 2” at the end of the sentence, rather than only the footnote reference.

353. The Shipowner Vice-Chairperson agreed with the suggestion and proposed an additional amendment. He requested to replace the word “reduce” with “manage”. He explained that it was not always possible to reduce noise without making structural changes to a ship. The term “manage” was more appropriate.

354. The Meeting adopted the revised paragraph 86 as amended.

Paragraph 87

355. The Meeting adopted paragraph 87 as proposed.

7.3. Vibrations

356. The working group proposed to renumber the heading to subsection 7.2.2.

Paragraph 88

357. The Shipowner Vice-Chairperson proposed to replace the term “grasping” with “using”.

358. The Meeting adopted the revised heading, the working group’s proposal to split the paragraph after the first sentence, and the amendment to the new paragraph and table 2.

Paragraph 89

359. The Government Vice-Chairperson proposed to add the wording “special shoes, etc.” at the end of subparagraph 89(e). She clarified that personal protective equipment (PPE) in this example should include more than gloves.

360. The Meeting adopted the revised paragraph 89 as amended.

Paragraph 90

361. The Shipowner Vice-Chairperson suggested that the paragraph should be amended to be consistent with paragraph 86.

362. The Meeting agreed that revised paragraph 90 would be adopted as amended to be consistent with amended paragraph 86.

Paragraph 91

- 363.** The Shipowner Vice-Chairperson proposed to replace the phrase “exposure action value” with “exposure value”, stating that the meaning of the two terms was different. He suggested reformulating the paragraph’s first phrase in the following manner: “The competent authority, after consultation with the shipowners’ and seafarers’ organisations, should consider standards for controlling exposure for”.
- 364.** The Seafarer Secretary agreed with the suggested language so long as the wording “including a daily limit to exposure” was included after the term “controlling exposure”. The Government Vice-Chairperson supported the seafarers’ proposal, stating that it was important to include daily limits of exposure into the paragraph.
- 365.** The Meeting adopted the revised paragraph as amended.

7.4. Artificial lighting

- 366.** The working group proposed to renumber the heading to subsection 7.2.3.

Paragraph 92

- 367.** The Shipowner Vice-Chairperson proposed to replace the word “postures” with “conditions”.
- 368.** The Meeting agreed to adopt revised paragraph 92 as amended.

Paragraph 93

- 369.** The Meeting adopted the paragraph as proposed.

Paragraph 94

- 370.** The Shipowner Vice-Chairperson suggested to add, following “competent authority”, “after consultations with the shipowners’ and seafarers’ organizations concerned”.
- 371.** The Meeting agreed to adopt the revised paragraph as amended.

Paragraph 95

- 372.** The Meeting adopted the paragraph as proposed.

7.5. Ultraviolet light

- 373.** The working group proposed to renumber the heading to subsection 7.2.4.

Paragraph 96

- 374.** The Government Vice-Chairperson proposed a new first sentence: “The major source of ultraviolet light affecting seafarers is the sun.”
- 375.** The Meeting agreed to adopt the revised paragraph 96 as amended with the new sentence.

Paragraph 97

376. The Shipowner Vice-Chairperson asked for an explanation of actinic keratosis. The observer expert from the International Maritime Health Association (IMHA), explained that it was a potentially pre-cancerous skin disease, associated with people who were frequently exposed to the sun.

377. The Meeting adopted the paragraph as proposed with an additional reference.

Paragraph 98

378. The Meeting agreed to adopt the revised paragraph 98.

7.6. Non-ionizing radiation

379. The working group proposed to renumber the heading to subsection 7.2.5.

Paragraph 99

380. The Meeting agreed to adopt the revised paragraph 99.

Paragraph 100

381. The observer expert from the Government of Canada suggested to delete the last sentence of the paragraph regarding long-term exposure unless there could be a reference provided. The observer expert of the Government of the Russian Federation agreed and pointed out that the research was not conclusive on this issue as indicated in an ILO publication on OSH from 2012.

382. The Seafarer Vice-Chairperson opposed deleting the sentence in its entirety and suggested that some adverse health effects from long-term exposure should be included.

383. The Shipowner Secretary requested that the ILO report be provided to the Meeting, as it referred to a technical topic unfamiliar to the Shipowners. The Office provided a copy of the publication to each of the three groups.

384. The observer expert from the Government of the Russian Federation proposed to keep the footnote since the ILO report was prominent in the field.

385. The Shipowner Vice-Chairperson argued that the research was inconclusive and that the paragraph should reflect this reality. He suggested that the words “Short-term” at the beginning of the first sentence should be deleted.

386. The expert from the Government of the Philippines pointed out that some risks of non-ionizing radiation were already known and widely accepted.

387. The Shipowner Vice-Chairperson stated that the research was inconclusive and contradictory. Only competent authorities could be considered an official reference as knowledge improves in the field.

388. The expert from the Government of Australia concurred that competent authorities should provide guidance on this matter. However, he shared the same concerns as the expert from the Government of the Philippines. The experts from the Governments of the United Kingdom and Norway also concurred that it was the role of competent authorities to monitor research on short- or long-term exposure to non-ionizing radiation.

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- 389.** The observer expert from the IMHA suggested that the paragraph could be redrafted to identify the well-documented adverse health effects, including permanent eye damage caused by heat.
- 390.** The Shipowner Vice-Chairperson thanked the IMHA observer expert for the proposal but rejected the text.
- 391.** The expert from the Government of Australia highlighted that the advice of the observer expert of the IMHA should be taken into account. He warned the Meeting that if already known effects were disregarded, participants would be undermining the credibility of the document. Non-ionizing radiation effects should not be trivialized.
- 392.** The Chairperson consulted the three Vice-Chairpersons to develop alternative language. The proposal was read to the Meeting.
- 393.** The expert of the Government of Australia insisted on the inclusion on the consequences of long-term exposure. The word “considerable” before “uncertainty” should be removed from the new text. The sentence should read “There is uncertainty about the harmful effects of long-term exposure”.
- 394.** The observer expert from the IMHA agreed and distinguished between short-term exposure with long-term effects, or long-term exposure and related harms.
- 395.** The Shipowner Secretary proposed to change the word “uncertainty” to “academic uncertainty” as a compromise in order to reach consensus.
- 396.** The Meeting adopted the newly proposed paragraph as amended.

New paragraph

- 397.** The Shipowner Vice-Chairperson proposed new text about the publication of new information on non-ionizing radiation by the competent authority, and that footnote 15 should be deleted.
- 398.** The expert of the Government of Norway pointed out that not only should shipowners be informed by the competent authorities, but also seafarers. This could be done by publishing pertinent information on the Internet.
- 399.** The Meeting adopted this paragraph.

Paragraph 101

- 400.** The Meeting adopted the revised paragraph as proposed by the working group.

7.7. Extreme temperatures

- 401.** The working group proposed to renumber the heading to subsection 7.2.6.

Paragraphs 102–106

- 402.** The Meeting agreed to adopt the entire section and new heading number as revised by the working group.

7.8. Chemicals

- 403.** The working group proposed to move the section on chemicals, including the sub-heading, to 7.6.3, under the new heading “7.6. Other forms of risks”.

Paragraph 107

- 404.** The Meeting adopted the paragraph as proposed.

Paragraph 108

- 405.** The Shipowner Vice-Chairperson proposed to change the reference from the regional United Nations Economic Commission for Europe (UNECE) reference to a global international organization.
- 406.** The Seafarer Secretary did not agree to the deletion. The UNECE has an important role on global shipping issues and has been working with the ILO and the IMO on Guidelines for the safe packing of shipping containers, the IMO/ILO/UNECE *Guidelines for Packing of Cargo Transport Units (CTUs)*.
- 407.** The Meeting adopted the paragraph as proposed.

Paragraph 109

- 408.** The Meeting agreed to adopt the revised paragraph 109 as proposed by the working group.

Paragraph 110 and table 3

- 409.** The Meeting agreed to adopt revised paragraph 110 and delete table 3 as proposed by the working group.

Paragraph 111

- 410.** The Shipowner Vice-Chairperson proposed to modify the wording of subparagraph 111(b)(ii) with “which may be obtained from the supplier”. He proposed to delete the examples found in subparagraph 111(c) or to include better examples, such as: “auto-dosing systems, such as chlorine in potable water, biocides in cooling water systems”.
- 411.** The expert from the Government of the Philippines stressed that it was the responsibility of the shipowner, contrary to the heading of paragraph 111 which implied that the competent authority was responsible.
- 412.** The Shipowner Secretary replied that shipowners were not experts on chemicals. Governments should provide them with general guidance on which chemicals were dangerous. She believed that it was the duty of the competent authority, whereas enforcement procedures were the shipowner’s responsibility. The Seafarer Vice-Chairperson agreed.
- 413.** The expert from the Government of the Philippines continued to stress that the responsibility remained with the shipowners, including the designation of someone on board who was responsible for a chemical safety programme.
- 414.** The Government Vice-Chairperson agreed that guidance on the safe handling of chemicals should come from the competent authority, and that there should also be workplace instructions, which would be the shipowners’ responsibility.

415. The expert from the Government of Norway pointed out that subparagraph 111(b) was the responsibility of the competent authority.

416. The Shipowner Secretary agreed with the expert from the Government of Norway and the Seafarers' group. The report should reflect the differences of opinion as to the division of responsibilities regarding chemical safety.

417. The Meeting agreed to adopt the revised paragraph 111 as amended.

7.9. Exposure to other forms of risks

418. The working group proposed to change this heading to section "7.6. Other forms of risks".

Paragraph 112

419. The Meeting adopted the revised version of paragraph 112 as proposed by the working group.

7.9.1. Ergonomic hazards

420. The working group proposed to renumber the heading to subsection 7.6.1.

Paragraphs 113–116

421. The Meeting adopted the revised paragraphs 113–116 as proposed by the working group.

Paragraph 117

422. After some discussion regarding who was responsible for including preventative principles in ship design, the expert from the Government of the United Kingdom suggested that the second sentence could include "ensure that risk assessments are conducted".

423. The Meeting adopted the revised paragraph 117 as amended.

Paragraph 118

424. A Seafarer expert from the United Kingdom suggested that the last sentence should refer to the safety representative not the committee, to include ships where no committee is required. The Shipowner Vice-Chairperson agreed to the proposal with the addition of "appropriate".

425. The Meeting adopted the revised paragraph 118 as amended.

New sub-heading: "7.6.1.1. Manual handling of loads"

Paragraphs 119 and 120

426. The Meeting adopted paragraphs 119 and 120 as proposed.

Paragraph 121

427. The observer experts from the Governments of Canada and the United States asked whether the appropriate terminology was used in the subparagraphs.

428. The observer expert from the IMHA suggested that it would be better to replace subparagraphs 121(c)–(h) with “musculoskeletal pain in the back and limbs”.

429. The Meeting agreed to adopt revised paragraph 121 as amended.

Paragraphs 122 and 123

430. The Meeting agreed to adopt the revised paragraphs as proposed by the working group.

7.9.2. Biological hazards

431. The working group proposed to renumber the heading to subsection 7.6.2.

Paragraphs 124 and 125

432. The Meeting discussed the revised paragraph which included the suggestion to delete references to “allergies or toxicity”, from an observer expert from the Government of the Russian Federation.

433. The Shipowner Secretary suggested that there may be better references such as the ILO *Guidelines on the training of ships’ cooks*.

434. The Meeting decided to include “poor food hygiene” in the last sentence of paragraph 124 and to keep the reference to allergies and toxicity in both paragraphs.

Paragraph 126

Subparagraph 126(e)

435. The Government Vice-Chairperson pointed out that subparagraph 126(e) refers to vaccinations. She asked the Meeting whether it would be appropriate to include other types of preventative treatments such as malaria prophylaxis. The expert from the Government of the Philippines agreed and suggested that another bullet could also include language regarding the prevention of the transmission of biologic agents from one seafarer to another.

436. The observer expert from the IMHA explained that vaccinations were appropriate here and that the other types of preventative treatments could be found in a later subsection, such as the new 7.6.2.1 on communicable diseases. It would be sufficient to refer here to the ILO/IMO *Guidelines on medical examination for seafarers*.

437. The Government Vice-Chairperson agreed with the recommendation and withdrew her original proposal.

438. The Shipowner Secretary called on the observer expert from the IMHA to explain what type of vaccinations should be necessary to provide to seafarers.

439. The observer expert from the IMHA stated that it would be important to mention seafarer vaccinations and a reference could be made to the ILO/IMO *Guidelines on the medical examinations of seafarers*.

440. The Shipowner Secretary proposed to insert the word “relevant” before “vaccinations”.

New subparagraphs

441. The observer expert from the Government of the Russian Federation suggested that new language should be included addressing the need to test food and drinking water to ensure that it was not contaminated.
442. The Shipowner Secretary suggested that the proposal from the Government of the Russian Federation could be addressed with a reference to the ILO *Guidelines on the training of ships' cooks*.
443. The Seafarer expert from the United Kingdom agreed with the proposal from the Shipowner Secretary because testing of food is both expensive and time consuming.
444. The Meeting agreed to add a subparagraph including documented inspections and another with a reference to the ILO *Guidelines on the training of ships' cooks*.
445. The Meeting adopted the revised paragraph and its subparagraphs as amended.

New sub-heading: "7.6.2.1. Communicable diseases"

New subsection

446. The Shipowner Secretary provided the background on the importance of including a specific subsection to ensure that seafarers are given access to medical treatment. There were incidents related to communicable disease outbreaks such as SARS and Ebola where medical assistance was denied to ships in port. Urgent action was needed to emphasize the importance of free pratique.
447. The Seafarer Secretary agreed with the statements from the Shipowners' group. Furthermore, he detailed the fact that three countries had already refused to provide any medical treatment to seafarers entering their ports who exhibited Ebola-like symptoms. This denial of medical care to a few sick seafarers heightens the risk of the disease to the rest of the crew.
448. The Shipowner Secretary proposed the new subsection and requested that the references include the relevant ILO, IMO and WHO documents.
449. The experts from the Governments of Norway and the United Kingdom agreed with the Shipowners' proposal.
450. The Meeting agreed to include another paragraph within the new subsection referring to the need to ensure that appropriate precautions are considered regarding exposure to communicable diseases.
451. The Government Vice-Chairperson asked the Meeting whether it would be appropriate to include an additional paragraph in this section to address other diseases such as malaria.
452. The Meeting adopted the new section as amended to include WHO references and broad language to cover all relevant communicable diseases.

7.9.3. Emergency and accident response

453. The working group proposed to renumber this heading to section 7.5.

Paragraph 127

- 454.** The expert from the Government of the Philippines requested to add “team” to the emergency and accident response in both paragraphs describing the need for emergency training and to plan the drills and training. Each shipowner should organize the emergency and response team to carry out the plan on board.
- 455.** The Shipowner Vice-Chairperson did not support the proposal since the International Convention for the Safety of Life at Sea (SOLAS Convention), 1974, addresses emergency accident response requirements. The Chairperson agreed and pointed out that the footnotes provide the appropriate references.
- 456.** The Seafarer expert from the United Kingdom sympathized with the proposal from the Philippines, but the IMO deals with this issue.
- 457.** The Meeting adopted the paragraph as proposed.

Paragraph 128

- 458.** The Seafarer expert from the United Kingdom explained the proposal from the working group to include firefighting equipment and life-saving appliances. Many seafarers have been injured during lifeboat drills. The working group felt that life-saving appliances should also be included.
- 459.** The Meeting adopted the revised paragraph as proposed by the working group.

7.9.4. HIV/AIDS protection and prevention

- 460.** The working group proposed renumbering the heading to subsection 7.6.2.1.1.

Paragraphs 129 and 130

- 461.** The Meeting adopted these paragraphs as proposed.

7.9.5. Drug and alcohol abuse and dependency

- 462.** The working group proposed renumbering the heading to subsection 7.6.5.

Paragraph 131

- 463.** The Meeting adopted this paragraph as proposed by the working group.

Paragraph 132

- 464.** The spokesperson for the working group, the Seafarer expert from the United Kingdom explained that the working group suggested the deletion of this paragraph. He requested that the Government group consider this proposal and indicate whether they agreed.
- 465.** The experts from the Governments of the United Kingdom and Australia agreed that paragraph 132 should be deleted.
- 466.** The Meeting agreed to delete the paragraph.

Paragraph 133

467. The Meeting adopted the paragraph as amended by the working group.

7.9.6. Tobacco smoking

468. The working group proposed renumbering this heading to subsection 7.6.4.

Paragraphs 134 and 135

469. The Meeting adopted these paragraphs as proposed.

7.9.7. Mental occupational health

470. The Meeting decided to move this heading to section 7.4.

Paragraphs 136–139

471. The Shipowner Vice-Chairperson requested information about the level of detail of this section on the potential effects on mental health. He invited the observer expert from the IMHA to provide further comment on the topic.

472. The observer expert from the IMHA explained that many things could contribute to mental distress. He was concerned that these paragraphs may not be balanced with the rest of Chapter 7 on risks from harmful exposure, since it includes more detailed language. He drafted new paragraphs that were broader and added suicide to paragraph 136.

473. The Meeting adopted these paragraphs as revised

474. The Government Vice-Chairperson made a friendly amendment to the IMHA proposal to the new paragraph 139 regarding the adverse effects of work-related factors on mental health.

475. The Meeting adopted the newly revised paragraphs as amended.

7.9.8. Fatigue

476. The working group proposed to renumber this heading to subsection 7.6.7.

Paragraph 140

477. The Meeting discussed whether the definition of fatigue was appropriate and whether to use the definition from the *IMO Guidance on fatigue mitigation and management*. The Chairperson summarized the discussion by suggesting that the paragraph began with an acknowledgement that there was no universally agreed definition, but the IMO Guidance were helpful on the subject.

478. The Meeting agreed to the proposal from the Chairperson and the paragraph was adopted as amended.

Paragraphs 141 and 142

479. The Meeting agreed to adopt the two paragraphs with editorial amendments.

Paragraph 143

480. The expert from the Government of Australia suggested that an additional phrase regarding the effective management of fatigue should be added to the end of the paragraph. The Meeting agreed to the proposal and adopted the paragraph as amended.

New section: Violence in the workplace

481. The observer expert from the Government of Canada proposed a new section on violence in the workplace. He preferred that it would be included as a new separate section. The Meeting agreed that it could be placed as a new section after section “7.4. Mental occupational health”.
482. There were a few suggestions regarding the language of the proposal. A small tripartite working group agreed to work with the proposed language to make it consistent with the rest of the document.
483. The Meeting adopted the new paragraph as revised by the working group.

Paragraph 143ter

484. The Seafarer Vice-Chairperson and the expert from the Government of Norway proposed to change “or an employee” to “others working on board ship”.
485. The Meeting adopted the new paragraph as amended.

7.9.9. Inherent hazards to working on board ships

486. The working group proposed to renumber this heading to section 7.3.
487. Paragraph 144 was deleted as originally proposed. The working group expanded this section to the following subsections based on the list contained in the MLC, 2006, Guideline B4.3.1, paragraph 2.
488. The spokesperson of the working group, the Seafarer expert from the United Kingdom, explained that they had difficulty interpreting the different categories of issues included within the list found in Guideline B4.3.1, paragraph 2; their goals were to remain close to the text and to be clear to the reader.

New subsection: “7.3.1. Structural features of the ship, means of access and asbestos-related risks”

489. The expert from the Government of Australia proposed to include additional language regarding the identification and mitigation of asbestos-related risks.
490. The Meeting agreed to the additional language and adopted the new paragraphs proposed by the working group as amended.

New subsection: “7.3.2. Work in enclosed spaces”

491. The Meeting agreed to the paragraphs as proposed by the working group with the subsection as 7.3.2.

New subsection: “7.3.3. Use of equipment and machinery”

New subsection: “7.3.3.1. Loading and unloading”

New subsection: “7.3.3.2. Anchors, chains and lines (mooring)”

New subsection: “7.3.3.3. PPE for seafarers”

492. The Meeting adopted the subsection “Use of equipment and machinery” and its three subsections as proposed by the working group.

New subsection: “7.3.4. Special safety measures on and below deck”

493. The Shipowner Vice-Chairperson pointed out that the subsection title is awkward and acknowledged the problem in the MLC, 2006, and assumed that the subsection should refer to working during adverse weather.

494. The secretariat confirmed that the original language came from the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134). The expert of the Government of the United Kingdom also agreed with the assumption since the Code of practice *Accident prevention on board ship at sea and in port* includes a section on working on deck or in cargo spaces.

495. The Shipowner Vice-Chairperson proposed new language for the paragraph to clarify how to address who should determine whether the weather conditions are severe enough to stop work on deck.

496. The expert from the Government of Australia pointed out that this amendment would leave the master to define what constitutes “adverse conditions”.

497. The Seafarer expert from the United Kingdom thanked the expert from the Government of Australia for his concern. The working group also discussed the issue and decided that the authority to determine the appropriate action based on weather conditions should be left with the master.

498. The Meeting adopted the section and subsections as amended.

New subsection: “7.3.5. Dangerous cargo and ballast”

499. The Meeting agreed to adopt the paragraph as proposed by the working group.

8. Reporting and investigation of occupational accidents, injuries and diseases

500. The Meeting agreed to a proposal from the Government Vice-Chairperson to replace the term “cause” with “causal factors” throughout Chapter 8.

8.1. General requirements

Paragraphs 145 and 146

501. The Meeting adopted the paragraphs as proposed.

8.2. Objectives

Paragraph 147

502. The Seafarer Vice-Chairperson proposed to add “and promoting the use of a standard form” at the end of subparagraph 147(f). The Seafarer Secretary explained that the aim was to use standard forms to gather meaningful and consistent data on occupational accidents.

503. The Shipowner Vice-Chairperson agreed international comparability of information and analysis of statistics would be important and suggested alternative language: “through the use of a standard form”.

504. The Government Vice-Chairperson agreed and proposed to move subparagraph 147(g) to paragraph 149.

505. The expert from the Government of the Philippines proposed to amend subparagraph 147(h) to raise awareness with seafarers and safety committees that reporting information on occupational accidents, injuries and diseases was important for improving data collection.

506. The Seafarer Vice-Chairperson supported the proposal.

507. The expert from the Government of Australia supported the intention of the proposed amendment, but suggested to capture it in an additional bullet point. It was agreed that the expert from the Government of the Philippines would provide a text to be discussed later. After further discussion of Chapter 8, the expert from the Government of the Philippines was satisfied that her concerns were adequately addressed by the chapter as a whole.

508. The Meeting adopted the paragraph and its subparagraphs as amended.

8.3. Reporting of occupational accidents, injuries and diseases

509. The Government Vice-Chairperson expressed concern that section 8.3 included occupational diseases, which were not covered in the IMO Casualty Investigation Code and should be addressed differently to accidents or injuries. She proposed to remove the references to diseases in this section and to draft a new section on reporting and investigation of diseases. The Meeting agreed and decided to delete all subsequent references to diseases throughout sections 8.3 and 8.4.

Paragraph 148

510. The Meeting agreed to move the second sentence of the paragraph to the new section on diseases, and adopted the paragraph as amended.

Paragraph 149

- 511. The Seafarer Vice-Chairperson proposed to include “with respect to the seafarer” after the word “confidentiality” in subparagraph 149(f).
- 512. The Government Vice-Chairperson proposed to move the original subparagraph 147(g) to 149(g) and edited for consistency with the rest of the document.
- 513. The Meeting adopted the paragraph as amended.

Paragraph 150

- 514. The observer expert from the Government of Belgium proposed to have a reference to the IMO Casualty Investigation Code in the chapeau of the paragraph.
- 515. The expert from the Government of Australia proposed to amend subparagraph 150(k) changing the required 48 hours to 72 hours, in line with the IMO Casualty Investigation Code. Additional information on the days worked in the previous seven days would not be useful for an investigation without records of the hours worked, which would be available through other means.
- 516. The Shipowner Vice-Chairperson agreed, since they did not want the Guidelines to be inconsistent with the IMO Casualty Investigation Code.
- 517. The Meeting adopted the paragraph as amended.

8.4. Investigation of occupational accidents, injuries and diseases

- 518. In view of previous decisions, the Meeting deleted reference to diseases in the title of the section and throughout the section.

Paragraph 151

- 519. The Government Vice-Chairperson suggested an amendment to the first sentence: “The competent authority should establish a Marine Investigation Authority, in accordance with the IMO Casualty Investigation Code,” and to add a relevant footnote. She suggested the insertion, before the last sentence of this paragraph, of: “National laws, regulations and other measures may require the reporting and investigation of certain safety and health-related incidents by another authority.”
- 520. The Meeting agreed to these proposals and paragraph 151 was adopted as amended.

Paragraphs 152 and 153

- 521. Upon the proposal of the Government Vice-Chairperson, the Meeting agreed to delete the paragraphs.

Paragraphs 154 and 155

- 522. The Meeting adopted the paragraphs as proposed.

Paragraph 156

523. The Shipowner Vice-Chairperson proposed that the second sentence be deleted from the paragraph, as it made the assumption of deeper problems.
524. The Seafarer Vice-Chairperson stated that they would prefer to retain this sentence.
525. The Government Vice-Chairperson stated that the Government group preferred to retain this sentence, but suggested that “as an effect” be replaced by “that it may be” so as to address the Shipowners’ concern.
526. The Meeting agreed to the changes and adopted the paragraph as amended.

Paragraph 157

527. The paragraph was adopted with the deletion of the reference to disease.

New section: “8.5. Reporting and investigation of occupational diseases”

New paragraph

528. The Government Vice-Chairperson proposed a new paragraph that was drafted with the assistance of the observer expert from the IMHA. The Shipowner Vice-Chairperson and the Seafarer Vice-Chairperson offered some editorial changes for consistency with the rest of the document.
529. To address the concern raised by the Seafarers’ group regarding the use of the ILO List of Occupational Diseases, the expert from the Government of the United Kingdom suggested including the ILO list first, or a national list. The expert from the Government of Australia and the observer expert from the Government of New Zealand supported the proposal from the expert from Government of the United Kingdom.
530. The Meeting agreed to the new paragraph as amended.

8.5. Confidentiality of data

Paragraph 158

531. The paragraph was adopted as proposed.

9. Training, familiarization and instruction for all seafarers

532. As agreed by the Meeting, the Chairperson introduced a revised version of Chapter 9. The revised text took into account relevant documents, including the ILO *Guidelines on the training of ships’ cooks* and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention). It also addressed gaps in requirements for OSH training and enforcement of standards. The revised text proposed a new heading for the section: “Training and instruction for all seafarers”, which was adopted by the Meeting.

9.1. General requirements

Paragraph 159

- 533. The Chairperson proposed to delete the footnotes in this paragraph and refer to Regulation 1.3.
- 534. The Meeting agreed to the new paragraph 159 with minor editorial changes for consistency with the document.

New paragraph 159bis

- 535. The Chairperson added language to be consistent with the STCW Convention and included the relevant references in footnotes.
- 536. The Shipowner Vice-Chairperson said that the minimum requirements were not included in the *Guidelines on the training of ships' cooks* but were part of the MLC, 2006. He proposed to move the reference to the ILO *Guidelines on the training of ships' cooks* to become a second sentence of paragraph 159bis, and to add: "provide further guidance on the minimum requirements and competencies".
- 537. The Meeting agreed to the proposal from the Shipowner Vice-Chairperson.

New paragraph 159ter

- 538. The observer expert from the Government of the United States suggested that subparagraph 159ter(b) should refer to paragraph 1.5 of the STCW Convention, regulation 1/14.
- 539. The observer expert from the Government of Denmark proposed that subparagraph 159ter(c) should state "or receive sufficient information and instruction" at the end of the sentence.
- 540. The Meeting agreed on proposals for paragraph 159 and the new sections as amended.

Paragraph 160

- 541. The Meeting adopted the paragraph as proposed.

Paragraph 161

- 542. The Meeting deleted this paragraph as proposed by the Chairperson.

Paragraph 162

- 543. The Shipowner Vice-Chairperson suggested including a reference to the MLC, 2006, Standard A3.2, paragraph 4.
- 544. The Meeting adopted the paragraph as amended.

Paragraph 163

- 545. The Meeting adopted the paragraph as proposed.

9.2. Safety familiarization on board

Paragraph 164

546. The Meeting adopted the paragraph as proposed.

Paragraph 165

547. The Shipowner Vice-Chairperson proposed to add “ensure that shipowners” in the first sentence, to emphasize the responsibility of both the competent authority and the shipowner.

548. The Meeting adopted the paragraph as amended.

Paragraph 166

549. The Shipowner Vice-Chairperson proposed to delete the paragraph since familiarization was required for every seafarer, not only for new or returning seafarers.

550. The Seafarer Vice-Chairperson disagreed. The expert from the Government of New Zealand also preferred to keep the text.

551. The observer expert from the Government of the United States stated that it was necessary to make it clear whether “new seafarer” means new to the ship or new to the industry.

552. A Seafarer expert from the United Kingdom reminded participants that there had been tragic incidents involving new seafarers, and thus that this paragraph should be retained.

553. The expert from the Government of Australia supported the Seafarers, indicating that data from Australia demonstrated that seafarers new to the industry are at a greater risk of injury. Therefore, he proposed an amendment to replace “New seafarers on ships” with “Seafarers new to the industry”. The Seafarer Vice-Chairperson and the expert from the Government of Norway supported the proposal.

554. The Shipowner Vice-Chairperson proposed to create a new sub-heading to read “New and returning seafarers” after paragraph 165 and to put paragraph 166 under this sub-heading.

555. The Meeting adopted the new heading and the paragraph as amended.

Paragraph 167

556. The Meeting adopted the paragraph as proposed, and that it should stay under the heading of safety familiarization.

9.3. Communication of safety and health information to seafarers

Paragraphs 168 and 169

557. The Meeting adopted the paragraphs as proposed.

10. Particular categories of personnel

10.1. Overview

Paragraph 170

558. The Government Vice-Chairperson suggested that the term “national laws, regulations and other measures” be used throughout this chapter. The Meeting agreed, and paragraph 170 was adopted as amended.

10.2. Young seafarers

Paragraphs 171–175

559. The paragraphs were adopted with the agreed universal change to “seafarers under the age of 18”.

Paragraph 176

560. The Government Vice-Chairperson proposed to remove the reference to HIV/AIDS from this paragraph.

561. The Seafarer Secretary and the Shipowner Vice-Chairperson did not agree to the deletion of the reference to HIV/AIDS in this paragraph, since this was based on the MLC, 2006, Guideline B4.3.10. The Government Vice-Chairperson withdrew the proposal for removing the reference to HIV/AIDS.

562. The Seafarer Vice-Chairperson proposed to add “and other contagious diseases” at the end of this paragraph. The Shipowner Secretary noted that additional text for Chapter 7, which had been submitted for discussion at a later stage, contained a reference to “communicable diseases”. The Meeting agreed that “communicable” was the more appropriate term.

563. The Meeting adopted the paragraph as amended.

10.3. Pregnant seafarers

564. As a result of a proposal by the Government Vice-Chairperson, the Meeting changed the title of the section to “Women seafarers”.

Paragraph 177

565. The expert from the Government of the Philippines suggested that additional language should be included to recognize the special needs of women seafarers when pregnant or breastfeeding.

566. The Shipowner Secretary stated that the Shipowners could agree with the proposed amendment, with the understanding that the language proposed did not exceed the scope of welfare arrangements set out in the MLC, 2006.

567. The Meeting agreed to the new language and the paragraph was adopted, as amended.

Paragraph 178

568. The paragraph was adopted as proposed.

Paragraph 179

569. The Government Vice-Chairperson proposed to add “and practicable” in the third line after “if necessary”, which was agreed.

570. The Meeting considered including more detailed language regarding the health and safety of the mother and her unborn child. The expert from the Government of Argentina, and the observer experts from the Governments of France and Canada offered their views on the need to protect the mother and her child. Noting that the discussion about the definition of health could continue without resolution, the Chairperson suggested retaining the original language as proposed, since the Meeting had already agreed to use the WHO’s broad definition of health and would include reproductive health.

571. The Meeting adopted the paragraph, as amended by the Government Vice-Chairperson.

10.4. Injured or sick seafarers

Paragraph 180

572. The Meeting agreed to delete the paragraph and section.

10.5. Temporary service personnel and visitors

Paragraph 181

573. The Shipowner Vice-Chairperson proposed to change “master” to “shipowner”, which was adopted.

574. The observer expert from the Government of Canada proposed to delete “visitors” in the paragraph on the grounds that visitors were not a particular category of personnel, and the concept was not consistent with the MLC, 2006. The proposal was adopted. The words “and visitors” in heading 10.5 and elsewhere in the section was also deleted consequentially.

575. The Government Chairperson proposed to insert, after the first sentence, the words “as determined by the competent authority after consultation with the shipowners’ and seafarers’ organizations concerned”. This proposal was adopted.

576. The Meeting adopted the paragraph as amended.

Appendix I

577. The Meeting agreed to add Articles III and IV of the MLC, 2006, to this appendix. The Shipowner Secretary proposed to also insert Regulation 1.3 of the MLC, 2006, which was also adopted. The Meeting also agreed to move this appendix to Appendix II.

Appendices II–IV

578. The Meeting agreed to delete these appendices.

Appendix V

579. It was agreed to insert a note to the appendix, which would read “The International Maritime Organization and World Health Organization have adopted many standards, guidance and other publications that address occupational health and safety issues and may be relevant to implementation of the MLC, 2006, Standard A4.3”. The Meeting also agreed to move this appendix to Appendix III.

Appendix VI

580. The Meeting agreed to delete the appendix.

Appendix VII

581. It was agreed to move Appendix VII so as to make it Appendix I.

Adoption of the Guidelines for implementing the occupational safety and health provisions of the Maritime Labour Convention, 2006

582. The Meeting proposed some editorial changes to the text. Most of the final amendments related to ensuring consistency with the use of terminology throughout the Guidelines. The Office was further tasked with implementing several universal changes for further consistency.

583. The Guidelines were adopted.

Closing remarks

584. The Shipowner Vice-Chairperson thanked the Chairperson, the secretariat, the Seafarers’ group and the Government group for their hard work. He had been pleased with significant number of governments represented and their active participation. This indicated the relevance of MOSH. The Guidelines were an important achievement.

585. The Seafarer Vice-Chairperson thanked the Chairperson, the secretariat, the Shipowners’ group and the Government group for their contribution to completing the Guidelines. The Guidelines would provide valuable assistance in minimizing risk, which is a fundamental concern of seafarers.

586. The Government Vice-Chairperson thanked the Chairperson, the secretariat and the social partners. The Meeting had developed flexible Guidelines aimed at governments. The Government group considered input from the social partners as crucial. This would enable governments to better implement them. She considered the adoption of the Guidelines as an excellent accomplishment.

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- 587.** The Secretary-General congratulated the experts for achieving their objective on behalf of the Sectoral Policies and International Labour Standards Departments. The Guidelines were a testimony to true social dialogue while developing further guidance on the implementation of the MLC, 2006. She thanked the participants, the Chairperson, the rest of the secretariat, and everyone that had assisted and played a supporting role at the Meeting.
- 588.** The Chairperson thanked the participants for their work on the Guidelines. Each group had demonstrated exemplary commitment to their roles in MOSH. The Meeting had successfully developed important Guidelines that were aimed at improving working conditions at sea.

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