

HTW 5 Brief - SUB-COMMITTEE ON HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Monday, 16 July to Friday, 20 July 2018

Secretary General opened meeting by thanking all Nations who took part in the Football WorldCup and France on winning. He went on - I would also like to take this opportunity to say a few words about this year's World Maritime Day theme, which is "IMO 70: Our heritage – better shipping for a better future".

In addition to some of the events that we have already held to celebrate the 70 years since the convention establishing IMO was adopted, we have planned a series of events and initiatives to further commemorate 70 years of achievement, during which the truly vital industry of shipping has become safer, cleaner and greener, thanks to the work of IMO. Whilst I look forward to your participation in those events, I would also encourage you to embrace the theme and use this occasion to reflect and showcase how the Organization has adapted over the years as a crucial player in the global supply chain; and to be passionate about the IMO family. This is a great opportunity to raise awareness of our work and our future and to improve our international image. We owe it to the shipping industry and in particular to the seafarers.

Other highlights were:

- Model Courses importance
- Problem of unlawful practices of Seafarer Certification continues to be a problem in our business
- Comprehensive review of the STCW F Convention
- Revision of the Guidelines on Fatigue of Seafarers. The outcome of which should help prevent and reduce Fatigue for seafarers in the future

Full details of his Opening Remarks are at the Link –

<http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>

1. Agenda item 1 - Adoption of the agenda
 - a. The following working and drafting groups may be established at this session:
 - i. Working Group 1 on the Guidelines on Fatigue (agenda item 8); **Attended by David Appleton and Captain Hans Sande for IFSMA.**
 - ii. Working Group 2 on the Comprehensive Review of the 1995 STCW-F Convention (agenda item 6);
 - iii. Drafting Group 1 on Validation of Model Courses (agenda item 3);
 - iv. Drafting Group 2 on Validation of Model Courses (agenda item 3); and
 - v. Drafting Group 3 on Validation of Model Courses (agenda item 3).

2. Agenda item 2 – Decisions of other IMO bodies
 - a. HTW 4/2 Secretariat - Outcome of NCSR 4, SSE 4, CCC 4, III4, A30, NCSR 5 and MSC 98 and 99
 - b. Report of HTW 4 - MSC 98/23, section 9

Revised CCC.1 circular on the Carriage of Bauxite CCC 4/12, paragraph 5.75 the Sub-Committee requested the Secretariat to inform the HTW Sub-Committee regarding CCC.1/Circ.2/Rev.1, with a view to promoting awareness of the safe carriage of bauxite.

- c. **Nothing additional of significance to report for IFSMSA**
3. Agenda item 3 – Validated model training courses
 - a. HTW 5/3 – Sec – Report on the model courses programme under the Revised guidelines for the development, review and validation of model courses (MSC-MEPC.2/Circ.15)
 - b. **Nothing significant to report for IFSMA on the 28 Reports and Draft Model Training Courses as non were applicable to the Shipmaster.**
4. Agenda item 4 – Reports on unlawful practices associated with certificates of competency
 - a. HTW 5/4 - Ukraine – Report on fraudulent certificates issued in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine
 - b. HTW 5/4/1 – Russia – Comments on document HTW 5/4
 - c. HTW 5/Inf.7 – Sec - Reports on fraudulent certificates
 - i. **Highlights 40 Reports over the last 2 years. Nothing significant for IFSMA**
5. Agenda item 5 – Guidance for the implementation of the 2010 Manila Amendments
 - a. HTW 5/5 - China – Proposed amendments to table B-I/2 of STCW Code
 - b. HTW 5/5/1 – Singapore - Guidance on the certificates and documentary evidence required under the STCW Convention, as amended, and provision of the documentation for verification
 - c. HTW 5/5/2 – Proposed amendments to table B-I/2 of STCW Code
 - d. HTW 5/5/3 – Russia - Comments on document HTW 5/5/1
 - e. **Nothing significant for IFSMA on the above Papers**
6. Agenda item 6 – Comprehensive review of the 1995 STCW-F Convention (WG 2)
 - a. HTW 5/6 - Japan - Report of the Correspondence Group on the Comprehensive review of the 1995 STCW-F Convention -
 - b. HTW 5/6/3 – Canada – Commenting document and proposal on the report of the Correspondence Group
 - c. HTW 5/6/1- New Zealand - Proposed amendments to the 1995 STCW-F Convention - **Nothing significant for IFSMA on the above 3 Papers**
 - d. HTW 5/6/2 – China - Proposed amendments to the mandatory minimum requirements for certification of chief engineer officers of fishing vessels powered by main propulsion machinery of 750 kW propulsion power or more -

- e. HTW 4/6/4 – Japan – Further details on the proposal for the introduction of fishing training-vessel training
 - f. Nothing significant to report for IFSMA. There are many National issues coming to the fore here which is also seen by the few Nations that have ratified and signed up to this Convention. The Working Group were directed to come up with a proposed plan for the Review.
 - g. The report of the working group was approved. A correspondence group will be formed and work will continue at HTW 6.
7. Agenda item 7 – Role of the human element
- a. HTW 5/7 - china - Proposal on promoting the application of casualty cases and lessons learned to seafarers' training and education.
 - b. HTW 5/7/Inf.2 – China – Introduction to the study on the monocular vision in the transportation industry An information Paper of interest but no relevance at the moment.
 - c. HTW 5/7/Inf.3 – China - Introduction to the application of Massive Open Online Courses (MOOC) in maritime education and training
 - d. HTW 5/7/Inf.5 – IAMU - Quality of Onboard Training (OBT): First Certificate of Competency (FCoC)
 - e. Nothing significant for IFSMA in the above Papers
8. Agenda item 8 – Revision of the Guidelines on fatigue (5.4.1.2)
- a. HTW 5/8 – Aus, Can, NZ – Proposed amendment to new appendix 1 (Fatigue risk management system)
 - b. HTW 5/8/1 – USA - Proposed amendments to the Guidance on fatigue mitigation and management (MSC/Circ.1014).
 - i. I agree with much of what the Paper says on the progress to date and believe that the Proposed draft MSC Circular, Guidelines on Fatigue is not a bad start for the Base Document for the Working Group to start with. In scanning the proposed draft at the Annex, there a few issues that spring out.
 1. The Definition at para 2 should remain
 2. I understand the reason for combining Modules 2,3 and 4 into one Module for Seafarers however, I believe that there should be a Module for the Master as it is the Master who has the overall responsibility onboard.
 3. Resolution A.1072(27) should be included in the list of Appendices.
 4. There is a major problem with Paper 8/1 in that the way in which the Working Groups at HTW 3 and 4 had gone deviated significantly from the guidance provided by MSC and therefore HTW 4/WP3 (report of the WG) is fundamentally flawed. The US has been working with a number of Nations and ITF to get this amendment back on track and it has been agreed that if enough Nations support the US Draft Text then AUS will withdraw their Paper. The AUS

Delegation agreed with the content of the Papers from US, China and IMarEST and stated they would work with the US in the WG to help take their Paper forward. Following support for the US, IFSMA intervened with:

IFSMA would like to thank all submitters of documents under this agenda item.

Whilst recognising the hard work already undertaken by the Correspondence and Working Groups, IFSMA like others, is concerned at the slow progress achieved to date in this extremely important piece of work for the seafarer.

IFSMA therefore fully supports the position taken by the United States in their Paper 5/8/1 and believes it is a good base line for the Working Group to take forward to develop a practical and useable set of guidelines. IFSMA also supports your Option 1 outlined in Paper 5/J/3.

5. The Chair summed that the clear majority had spoken in support of the US Paper 5/8/1. The WG should draft guidelines based on this paper and incorporate points from HTW 4/WP3 and ensure that it has been taken into account in what has been produced. France intervened that this would be too time consuming. The US intervened with the precise way in which their Paper was produced and clearly stated that WP3 was taken into account as stated in the Para 8 of their Paper.
6. In sum, 5/8/1 and appendices of 4/WP3 should be forwarded to the WG to produce the work on the Guidelines, but take into account the Introduction, Module 1, 2 and certain sections of Module 6.
7.
 - c. HTW 5/8/2 – IMarEST - Proposed amendments to module 5 (Ship design) of the draft Guidelines on Fatigue
 - d. HTW 5/8/3 – China - Comments on module 2 of the draft Guidelines on Fatigue
 - e. HTW 5/Inf.9 – Rep of Korea - Introduction of cumulative fatigue and stress of seafarers measured by evaluating autonomic nervous functions through analysis of heart rate variability (HRV)
 - i. HTW 4/8/Inf.5 – Republic of Korea - Report on the seafarer's workload assessment – Nothing Significant here for IFSMA – interest only.

IFSMA took a full and active part in the Working Group putting forward various arguments aimed at strengthening the protection offered to seafarers. David Appleton (Nautilus Int) and Capt Hans Sande, IFSMA President (Tues and Wed AM), represented IFSMA robustly.

Arguments included:

- Proposals to strengthen the wording of the document to reinforce the fact that a fatigue risk management assessment is a mandatory requirement under the ISM. This was successful.
- Amending wording to ensure that it was clear that the “joint responsibility” with regards

to managing fatigue was weighted predominantly with the company. Also successful.

- There was a long and protracted argument regarding the inclusion of wording under the “sufficient resources” section of module 2 stating that management of fatigue is primarily concerned with ensuring that the vessel is sufficiently manned. After ship owning interests successfully argued to have this text removed, IFSMA was successful in persuading the chair to re-open the argument the following morning however the wording eventually agreed was not as strong as we would have liked. At the request of IFSMA, the following paragraph was added to the report of the working group:

“Some delegations expressed the opinion that it was necessary to provide additional reference to the importance of manning when determining if adequate resources were available.”

- The most contentious issue was the inclusion of example fatigue risk management tools and evidence based points for consideration on scheduling work patterns. Some delegations argued that these items should not be included as when using the fatigue risk management tool, most seafarers would be determined at risk all of the time. On the ‘points for consideration’, which contained such advice as “work hours in excess of 70 hours per week should be avoided” and “regularly working in excess of 12 hours per day should be avoided” delegations argued that these could not be included as they were in contradiction with the regulations. Additionally it was argued that tools “compatible” with the shipping industry should be developed for inclusion at a later date. IFSMA argued very forcefully against these suggestions. It was argued that these examples were evidence based examples of good practice and in most cases simply common sense, that you cannot dismiss evidence simply because you do not like what it says, that it was made clear within the annexes that this was guidance and operational factors may make it impossible to comply at certain times and, that it would not be possible to source “compatible” tools as suggested by certain delegations because you will not be able to find any evidence that working 91 hours per week for up to a year is safe.
- After a very long discussion it was decided not to include the annexes as the room was split and could not reach an agreement. Consequentially, IFSMA asked for the following paragraph to be added to the description of the discussion in the report of the working group:

“it would not be possible to source tools that were consistent with the requirements as research showed that working to the limits of these requirements was not safe”

- When the report of the working group was presented in plenary, France intervened raising the concerns with regard to the annexes as described above. They were supported by Australia, the UK and New Zealand who also proposed that the work item be kept open following the submission of the guidelines to MSC 100 so that they can be further developed.

In response IFSMA made the following intervention:

Thank you chair,

We would like to join others in congratulating yourself and Ms Fadiel on your re-election.

We would agree with the interventions of France, Australia and the UK. We believe that the regulations are the maximum permissible limits, they do not represent examples of best practice and, they are not targets.

We do not believe that the inclusion of science based advice and examples of best practice is in anyway in contradiction with the requirements.

However, like New Zealand we would not like to see the approval of these guidelines delayed and would support their proposal to keep the work item open so that the guidelines may be improved as we go forward.

Thank you.

After a number of interventions both in support of our position (Malta, Spain, Canada, the Bahamas) and many against (the usual suspects), the chair summarised as follows:

1. The revised guidance will go to MSC 100 for approval.
2. The points raised by France et al will be included in the report of the sub committee.
3. “Risk management tools to support guidelines on fatigue” will be considered under the standing agenda item “role of the human element” at subsequent sessions of HTW.
4. The output on revision of the guidelines on fatigue is closed.

To summarise, the revised guidelines are not as robust as we would want them to be but nobody expected that they would be. The document is an improvement on the existing and the summation of the chair means that there will be further opportunity to address the issue at subsequent sessions. It will be important to ensure IFSMA makes a robust statement on the above when it is brought up at MSC.

9. Agenda item 9 - Review of SOLAS chapter II-2 and associated codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships – **No Papers submitted. However,**
 - a. Taking into account that MSC 98 had approved the scope of work for, and the work plan on, the review of SOLAS chapter II-2 and associated codes regarding ro-ro spaces and special category spaces of new and existing ro-ro passenger ships, as set out in annexes 13 and 14 to document SSE 4/19, **the Sub-Committee will be invited to note** that SSE 5 noted that no specific instructions can be prepared in regard to training issues or actions to be taken by HTW 5, without having, at least, initial draft amendments to the 1974 SOLAS Convention or associated codes.
 - b. **Nothing significant to report for IFSMA**

10. Agenda item 10 – Amendments to the IGF Code and development of guidelines for low-flashpoint fuels
 - a. No Papers or action required under this Item
11. Agenda item 11 – Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations for all ships
 - a. No Papers or action required under this Item
12. Agenda item 12 – Measures to harmonize port State control (PSC) activities and procedures worldwide
 - a. No Papers or action required under this Item
13. Agenda item 13 – Biennial status report and provisional agenda for HTW 6.
 - a. The Sub-Committee will be invited to review its biennial status report, as approved by MSC 98, taking into account the progress made at the session, and to prepare the draft provisional agenda for HTW 6, in accordance with Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.5), for approval by MSC 100. Nothing for IFSMA
14. Agenda item 14 – Election of Chair and Vice-Chair for 2018
 - a. In accordance with the Rules of Procedure of the Maritime Safety Committee, the Sub-Committee unanimously re-elected Ms. Mayte Medina (United States) as Chair and Ms. Farrah Fadil (Singapore) as Vice-Chair, both for 2019.
15. Agenda item 15 – Any other business
 - a. HTW 5/15 – China - Proposal on transitional arrangements for future amendments of the STCW Convention and Code
 - b. HTW 5/15/1 - No Paper submitted
 - c. HTW 5/15/2 - – India - Limitation of propulsion power for officer in charge of an engineering watch on 750 kW propulsion power or more engaged on near-coastal voyages
 - d. HTW 5/15/3 - DPR of Korea - Proposal for amendments to the Guidelines on the medical examination of seafarers (STCW.7/Circ.19)
 - e. HTW 5/15/4 – Japan - Minor editorial correction of footnotes in section B of the STCW Code
 - f. HTW 5/15/5 – Belarus and Russia - Unified interpretation of regulation I/2 of STCW Convention
 - g. HTW 5/15/6 – Russia - Use of a consolidated form of certificates pursuant to the STCW Convention and Code
 - h. HTW 5/15/7 – India - Proposal for limitation on certificates for training in high-voltage requirement
 - i. HTW 5/Inf.4 – Sec - Report on dispensations issued under article VIII of the STCW

Convention

- j. HTW 5/Inf.8 - Rep of Korea - Introduction of the effectiveness of enclosed space entry training using Virtual Reality (VR)
- k. HTW 5/Inf.10 - - Rep of Korea - Introduction to virtual reality-based simulator for crew training and analysis of functional requirements
- l. **Nothing significant to report for IFSMA in any other business above.**

16. Agenda item 16 – Report to the Maritime Safety Committee

The Sub-Committee will be invited to consider and adopt its draft report for submission to the Committee for approval.