

MARITIME SAFETY COMMITTEE
95th session
Agenda item 9

MSC 95/9/2
31 March 2015
Original: ENGLISH

HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Guidance for the implementation of the 2010 Manila Amendments

Submitted by IFSMA, InterManager, ITF and the Nautical Institute

SUMMARY

<i>Executive summary:</i>	This document addresses changes in the 2010 Manila Amendments to the STCW Code to the eyesight requirements for seafarers and proposed guidance on their implementation for existing seafarers
<i>Strategic direction:</i>	5.2
<i>High-level action:</i>	5.2.2
<i>Planned output:</i>	5.2.2.1
<i>Action to be taken:</i>	Paragraph 10
<i>Related documents:</i>	HTW 2/19; STCW Code, section B-I/9 (STCW 95); STCW Code, section A-I/9 and STCW.7/Circ.20

Background

1 The Sub-Committee noted (HTW 2/19, paragraph 6.1.1) that MSC 89 agreed to include, in the 2012-2013 biennial agenda of the STW Sub-Committee a planned output on "Development of guidance for the implementation of the 2010 Manila Amendments", with a target completion year of 2014. Furthermore, MSC 93, taking into account the need for further guidance on implementation of the 2010 Manila Amendments, agreed to extend the target completion date until the end of the transitional arrangements, i.e. 2017 (HTW 2/19, paragraph 6.1.2).

2 During the discussion of document HTW 2/6 (IMHA), on guidance on implementation of STCW medical examination requirements and vision testing, views were expressed that caution should be exercised as an academically-driven approach may not necessarily lead to practical solutions, that there was a possible inconsistency between the requirements of the Convention and its applicability to existing seafarers, and that medical standards for existing seafarers have been addressed in section A-I/9 of the STCW Code and these included eyesight standards. Interested Member States and international organizations were invited to submit further proposals.

Discussion and comments

3 The 2010 Manila Amendments to the STCW Code have placed the eyesight acuity and colour vision requirements in the mandatory part A of the Code (previously in the guidelines in part B of the STCW Code). This may remove the flexibility and discretion of Administrations to take into account the particular functions to be performed by the seafarer and the relevance of the mandatory eyesight requirements to those functions. A rigid academically-driven application of mandatory eyesight requirements can unfairly end the career of a seafarer who may still be capable of safely working at sea.

4 Under the STCW Code prior to the 2010 Manila Amendments, eyesight and colour vision requirements were guidelines that permitted Administrations the flexibility to take into account the particular functions to be performed by the seafarer in their position aboard ship and the relevance of the eyesight guidelines to those functions.

5 There is an implied social contract when a seafarer makes a commitment in time and training to enter the industry that the rules will not be changed that cast him aside in midcareer. It is accepted practice with ships and equipment that rule changes apply to new ships entering service after the effective date of the new rules. Consideration should be given to applying the same principle to human assets as to physical assets.

6 There is a global shortage of competent and experienced seafarers, and a serious recruitment and retention problem. Adding the uncertainty of a future career path based on rule changes governing conditions over which the seafarer has no control will further discourage recruitment and retention.

7 The interpretation of the mandatory eyesight requirement in the 2010 Manila Amendments to the STCW Code as applying to both initial entry and existing seafarers is not based on a risk assessment or a database supporting a compelling need for change. In the absence of a compelling need for change, existing seafarers' eyesight requirements should remain under the standards applicable to them prior to the effective date of the 2010 Manila Amendments.

8 It is essential to acknowledge that eyesight acuity normally diminishes with age and that experienced seafarers are a valuable asset to the industry that should not be expected to meet the same standards as new entrants. Both the STCW 95 and the 2010 Manila Amendments recognized that there may be different medical and eyesight requirements for initial entry seafarers and existing seafarers. This is recognized in the second part of paragraph 1 of Section A-I/9 of the 2010 Manila Amendments to the STCW Code:

"These standards may, to the extent determined by the Party without prejudice to the safety of the seafarers or the ship, differentiate between those persons seeking to start a career at sea and those seafarers already serving at sea and between different functions on board, bearing in mind the different duties of seafarers."

Proposal

9 The Committee is invited to consider issuing an MSC Circular recommending that existing seafarers who meet the colour vision and eyesight acuity requirements applicable to them prior to the effective date of the 2010 Manila Amendments to the STCW Code continue to be qualified for a fit for duty medical certificate until such time as the STCW Code is periodically reviewed and the issue of appropriate standards for colour vision and eyesight acuity are more fully considered.

Action requested of the Committee

10 The Committee is invited to consider the above comments, in particular the proposal in paragraph 9, and decide, as appropriate.