

SUB-COMMITTEE ON SHIP DESIGN AND
CONSTRUCTION
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Agenda item 16

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**MANDATORY INSTRUMENT AND/OR PROVISIONS ADDRESSING SAFETY
STANDARDS FOR THE CARRIAGE OF MORE THAN 12 INDUSTRIAL
PERSONNEL ON BOARD VESSELS ENGAGED
ON INTERNATIONAL VOYAGES**

Proposal for a way forward

Submitted by the International Transport Workers Federation (ITF)

SUMMARY

Executive summary: This document considers possible ways forward for a mandatory instrument and/or provisions addressing safety standards for carriage of more than 12 industrial personnel on board vessels engaged on international voyages

Strategic direction: 5.2

High-level action: 5.2.1

Planned output: 5.2.1.4

Action to be taken: Paragraph 11

Related documents: SDC 2/25, annex 5; MSC 95/10/4; MSC 95/WP.12; MSC 95/22, sections 10 and 19; 2006 OSV Code; 2009 MODU Code; DSC Code; HSC 2000 Code; 2008 SPS Code and MLC 2006

Introduction

1 In discussions at MSC 95 (MSC 95/22, paragraphs 10.11 to 10.13) on the definition of "industrial personnel" and the standards to apply to vessels engaged in their carriage on international voyages the Committee noted that:

- .1 the approval of a definition of "industrial personnel" without a specified application will have implications on IMO mandatory instruments;
- .2 without proper restrictions on its application the standards would apply to vessels carrying or accommodating a large number of "industrial personnel";

- .3 "industrial personnel" are characterized by abilities and competencies significantly different from average passengers;
- .4 the scope of application should not be limited to ships of the offshore energy sector; and
- .5 there is a need for a mandatory solution to this matter, which may entail development of amendments to SOLAS chapter I.

2 The Maritime Safety Committee agreed that, in developing safety standards for the carriage of more than 12 "industrial personnel" on board vessels engaged on international voyages, it should discuss policy issues before any detailed technical work is undertaken by the SDC Sub-Committee. The Committee authorized SDC 3 to establish an Expert's Group to examine submissions from Member States and international organizations on the procedures for transporting "industrial personnel", and identify the pros and cons on the best way forward for consideration by the Committee at MSC 96 (MSC 95/22, paragraphs 19.24 to 19.26).

Policy considerations

3 The original proposal was only for the carriage of 12 or more windfarm "industrial personnel" on vessels engaged in international voyages without meeting the requirements of a passenger ship. This has then been extended to cover the offshore energy sector and subsequently we are asked to consider going even further and not limiting it to the offshore energy sector (MSC 95/22, paragraph 19.24). It has also been suggested (MSC 95/10/4) that requirements for all small passenger ships be developed that include transporting and accommodating industrial personnel. The Committee has taken a simple narrow problem and expanded it to deal with a number of perceived problems, including finding a solution to the thornier issue of differentiating between small and large passenger ships. Past difficulties with this issue has led to the Committee's decision not to make any distinction based on numbers of passengers or the size of the ship. Given the urgency of this issue within the offshore energy sector widening the scope and linking the solutions to perceived larger issues seems time-consuming and unwise.

4 Annex 5 to document SDC 2/25 proposes a circular with guidance containing a definition of "industrial personnel" to assist national Administrations in developing and implementing regulations as a short-term solution. As pointed out by a number of delegations, a mere definition that is not linked to the application of a specific Convention or Code has no regulatory context or effect. It was also noted that national regulations inconsistent with international conventions or codes may not be recognized as valid by PSC for vessels engaged on international voyages. It would also damage the concept of uniform application of international standards and create confusion in PSC enforcement. Even if the Committee adopted a comprehensive interim circular with provisions applicable to all aspects of the carriage of "industrial personnel" it would not have the authority to override mandatory convention standards applicable to passenger ships.

5 The creation of a new classification of personnel outside the traditional international regulatory regime that recognizes those on board a vessel as either crew or passengers can have unintended consequences for other conventions or codes, or international organizations, if not limited or restricted to a specific sector or category of vessel. The suggestion that the scope of application should not be limited to the offshore energy sector could result in a requirement to go through the amendment procedures for an undetermined number of international instruments. A task that may prove to be quite burdensome and time consuming. A partial list of the international instruments that may be affected is set out in annex 2.

6 Any new mandatory instrument or provision covering the safe carriage of industrial personnel on board offshore energy sector vessels engaged in international voyages will overlap the Special Purpose Ship (SPS) Code. It would be especially difficult to distinguish between workers under the virtually identical definitions of "special personnel" and "industrial personnel" except for the provision that "industrial personnel" may not work on board the ship. The SPS Code specifically excludes "industrial personnel" in paragraph 1.2.3, which states "*The Code is not intended for ships used to transport and accommodate industrial personnel that are not working on board.*" This paragraph was added in the 2008 revision to ensure that untrained industrial personnel were treated as passengers. The SPS Code has, however, all the appropriate level of passenger ship requirements directly cross referenced from provisions in SOLAS, taking into account that all personnel have a level of safety training.

7 Developing a new Code that gives full consideration to all the appropriate requirements that will ultimately become mandatory is a long process. The SPS Code, however, has given full consideration to the appropriate passenger ship requirements and was revised by all sub-committees in 2008 and has been a widely implemented voluntary code since 1984. Any new mandatory code would either need to take into full consideration the consequences to the SPS Code, integrate the SPS Code guidance into the new code or use the SPS Code as a basis for the committees work.

8 The exclusion of industrial personnel in section 1.2.3 of the SPS Code was introduced to ensure untrained personnel were treated as passengers. With the incorporation of the definition "industrial personnel" (SDC 2/25, annex 5) into the SPS Code this would no longer be a problem as industrial personnel will require appropriate training and section 1.2.3 could be deleted.

9 The ITF is aware that proposals by Australia, and other delegations, to undertake amending the SPS Code to form the basis for a new mandatory code have previously not been supported. The ITF is of the view that it is self-evident any complete review of the pros and cons must give this option proper consideration to ensure that mandatory instruments or provisions give clear directions to all stakeholders. There is a need to avoid unnecessarily reinventing the wheel in a way that will confuse the industry and the seafarer. The urgency of the issue makes a revised SPS Code the quickest process and the option that avoids destabilizing other international instruments.

Proposal

10 The ITF considers the following steps based on the 2008 SPS Code provide for an effective way forward in a timely manner:

- .1 review the application in paragraph 1.2 and remove paragraph 1.2.3 which excludes transport or accommodation of industrial personnel that are not working on board;
- .2 integrate the definition of industrial personnel contained in annex 5 to document SDC 2/25 into the SPS Code definitions;
- .3 review the appropriate training provisions for industrial personnel in transit;
- .4 consider limits on the tonnage and number of industrial personnel that may be carried on board under the SPS Code;

- .5 consider wording in the Code that may require modifying to enable mandatory implementation; and
- .6 consider proposed amended text for the SPS Code as set out in annex 1.

Action requested of the Sub-Committee

11 The Sub-Committee is invited to consider the above and in particular paragraph 10 and take action as appropriate.

ANNEX 1

SUGGESTED AMENDMENTS TO THE SPS CODE

PREAMBLE

3 [This Code provides alternative mandatory provisions in SOLAS for the construction of special purpose vessels carrying more than 12 special personnel who are not passengers or members of the crew.]

4 For the purposes of this Code, a special purpose ship is a ship [~~of not less than 500 gross tonnage~~] [of not more than 3,000 gross tonnage] which carries more than 12 [and less than 100] special personnel, i.e. persons who are ~~specially needed for the particular operational duties of the ship~~ [carried on board in connection with the special purpose of that ship or industrial personnel being transported to or from offshore energy installations] and are carried in addition to those persons required for the normal navigation, engineering and maintenance of the ship or engaged to provide services for the persons carried on board.

CHAPTER 1

~~1.2.3 The Code is not intended for ships used to transport and accommodate industrial personnel that are not working on board.~~

1.3.11 "*Special personnel*" means all persons who are not passengers or members of the crew or children of under one year of age and who are carried on board in connection with the special purpose of that ship or because of special work being carried out aboard that ship. Wherever in this Code the number of special personnel appears as a parameter, it should include the number of passengers carried on board which may not exceed 12.

Special personnel are expected to be able bodied with a fair knowledge of the layout of the ship and to have received some training in safety procedures and the handling of the ship's safety equipment before leaving port and include the following:

- .1 scientists, technicians and expeditionaries on ships engaged in research, non-commercial expeditions and survey;
- .2 personnel engaging in training and practical marine experience to develop seafaring skills suitable for a professional career at sea. Such training should be in accordance with a training programme approved by the Administration;
- .3 personnel who process the catch of fish, whales or other living resources of the sea on factory ships not engaged in catching;
- .4 salvage personnel on salvage ships, cable-laying personnel on cable-laying ships, seismic personnel on seismic survey ships, diving personnel on diving support ships, pipe-laying personnel on pipe layers and crane operating personnel on floating cranes; ~~and~~
- .5 industrial personnel transported or accommodated on board for the purpose of offshore industrial activities and:

- .1 are able bodied and meet appropriate medical standards;
 - .2 have received basic safety training, according to relevant industry standards;
 - .3 have a fair knowledge of the layout of the ship and the handling of the ship's safety equipment before departure from port (e.g. through a safety briefing); and
 - .4 are equipped with appropriate personal safety equipment suitable for the risks to safety such personnel are likely to experience on the forthcoming voyage (e.g. immersion suits); and
- .56 other personnel similar to those referred to in .1 to .4 who, in the opinion of the Administration, may be referred to this group.

ANNEX 2

**A PARTIAL LIST OF INTERNATIONAL INSTRUMENTS THAT MAY BE AFFECTED IF
CARRIAGE OF INDUSTRIAL PERSONNEL IS NOT RESTRICTED OR LIMITED
TO A SPECIFIC CATEGORY OF VESSELS**

Code	Definitions	Exclusions	Training and safety	Provisions for transit of industrial personnel/passengers
Offshore Supply Vessels Code, (2006 OSV Code)	Only defines crew although passengers transportation recognized	None	Crew trained under the provisions of STCW	Only reference to transporting passengers in ISM documentation
Mobile Offshore Drilling Units, (2009 MODU Code)	Reference only to personnel on board and visitors.	No Provision for the transit of industrial personnel	Crew trained to SOLAS and Safety equipment to LSA requirements	No reference to SOLAS requirements for passenger vessels or transiting industrial personnel
Dynamically Supported Craft (DSC Code)	Defines only crew and up to 450 passengers	Suitable for International but must be within 100 miles from place of refuge	Based on SOLAS and LSA but determined by administration	Generally not suited for International Voyages. No provision for accommodation
High Speed Craft (HSC 2000 Code)	Defines only crew and passengers	Suitable for International Voyages but requires place of refuge	SOLAS and LSA applies where on International Voyages	No provision for accommodation and no provision for the transit of industrial personnel
Special Purpose Ships (2008 SPS Code)	Defines crew and special personnel that could include industrial personnel	In 2008 clause 1.2.3 excluded Industrial Personnel	Referenced to LSA and SOLAS specifically for passenger ships	There is provision for accommodation and the carriage of personnel over 12 that are not crew
Maritime Labour Convention (MLC 2006)	Defines only passengers and seafarers	None	Cross reference on safety and construction to IMO Conventions and Codes	Provision for accommodation and International Voyages
<p>Note: The above analysis does not take into consideration any of the ongoing decisions with respect to the Sub-Committee work item on "Classification of offshore industry vessels and the review of non-mandatory code for offshore construction support vessels".</p>				