



8 June 2020

Dear Shipmaster,

NOTICE TO ALL SHIPMASTERS

We, the members of the IFSMA Executive Council and the IFSMA Secretariat do hope that this letter finds you, your crews and all your families safe and well wherever you are. This global COVID-19 pandemic has had an enormous impact on all the maritime industry, but it is you the seafarer who must not be forgotten. We hope you are all aware of the work that the International Maritime Organisation (IMO) together with IFSMA and other key non-Governmental Organisations (NGOs) are putting in on your behalf to enable crew changes to take place. The International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF), supported by its affiliated unions, have been working closely with IFSMA to put pressure on Governments to start taking measures to ensure this happens to keep you, the seafarers, safe and for ships to trade safely around the world. To date, a relatively small number of steps have been taken by relatively few nations, since most are only concentrating on their internal domestic struggles against the global COVID-19 pandemic and are sometimes seemingly oblivious to your plight at sea.

Since the pandemic was declared by WHO in February, many Governments and International Organisations rightly declared *Force Majeure* for keeping you at sea. IFSMA wishes to reiterate that it now considers this no longer appropriate. Shipmasters, their crews and all in authority in the Shipping Industry remain subject to normal contractual conditions in accordance with the ILO's Maritime Labour Convention and all IMO Codes, Conventions, Rules and Regulations.

Easing of Restrictions NOT being Extended

Shipmasters share the responsibility of their ship owners and ship operator employers for the safety and welfare of their crew and for the protection of the marine environment and it is for this reason IFSMA writes personally to you today. The IMO has issued industry developed Crew Change Protocols for the guidance of nations. Despite many nations starting to ease lockdown restrictions, not all have been extended to facilitate crew changes; those that have been implemented have been driven by shipowners, crew managers and unions, with little help from nations. Notwithstanding that a recent small number of repatriations and crew changes are showing some signs of becoming easier, IFSMA is increasingly concerned that there is now clear potential for the wholly unwarranted criminalisation of the Shipmaster if a maritime incident takes place in which tiredness and the mental health of their officers and crew are subsequently found to have undermined the safe operation of their ship.

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Beware Fatigue

IFSMA wishes to remind all Shipmasters of their responsibility to protect themselves and their crew against attempts of suicides, fatigue, caused by long working days and extended tours of duty, as enshrined in the International Convention on Standards of Training, Certification and Watchkeeping, 1978 and the Maritime Labour Convention, 2006 (as amended). Your attention is also drawn to the International Convention for the Safety of Life at Sea, 1974 Regulation 34-1 which clearly states:-

“The owner, the charterer, the company operating the ship as defined in regulation IX/1, or any other person shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master’s professional judgement, is necessary for the safety of life at sea and the protection of the marine environment”

ISM Code/SMS/MLC

The International Safety Management (ISM) Code also states that the Company should ensure that the Safety Management System (SMS) operating on board the ship contains a clear statement emphasising the master's authority. The Company should establish in the SMS that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the Company's assistance as and when may be necessary. Finally, IFSMA draws your attention to MLC Regulation 5.1.5, On-board complaints procedures.

If, despite your best efforts as master, you feel the safety of your ship and crew is compromised due to lack of support from the shipowner or other factors, because:

1. Your crew is significantly beyond their contract term
2. Your crew is fatigued
3. You are short handed
4. You are concerned about the safe operation of your ship
5. You do not have sufficient PPE including sanitisers/testing (etc)
6. You do not have access to appropriate supplies including medicines
7. You cannot get access to urgent medical and urgent dental services ashore
8. Your crew is not provided free wifi/internet contact with home
9. Your crew want to go home

Then:

You have a duty and responsibility to report this to the shipowner (whose name and address must be stated on your seafarers’ employment agreement and the MLC Certificate carried onboard). Put the interests of your crew first. If they are not being granted their full MLC entitlements, such as: repatriation, access to medical care, entitlement to nutritious food, water and other supplies, then register their complaints with the shipowner.

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Under both **SOLAS and the ISM Code** you also have an obligation to report significant safety issues to the Shipowner (DPA) and the flag State and ensure you advise your Associations and Unions of what you are doing. You need to do this for your own protection from possible criminalisation in the event of a maritime incident, and for the safety of your crew and others. In the event that the issues you raise are not satisfactorily resolved you are entitled to refuse to sail on entry into your next port.

Enclosed with this letter is a list of some of the points you might also wish to consider including in any Report/Complaint to your DPA or Administration

Take care and keep safe and remember that IFSMA, the ITF and your unions stand behind you and are here to give you full support.

On behalf of the IFSMA Executive Council and the IFSMA Secretariat,

Captain Hans Sande
IFSMA President

Commodore Jim Scorer
IFSMA Secretary General

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Checklist of Points that may be considered to send to the Designated Person Ashore and/or Flag State Administration

a) The crew

- i) Number of officers
- ii) Number of ratings

b) Ship operation

- i) Concerns for the safe operation
- ii) Operating normally, or
- iii) Describe operational disturbances

c) In port

- i) Ports where shore leave has been granted
- ii) Ports where shore leave has been denied
- iii) Problems with medical and dental services
- iv) Problems with acquisition of personal supplies, hygiene, clothing etc.

d) Crew changes

- i) Planned crew changes
- ii) Delays to crew changes
- iii) Time on board for affected seafarers
- iv) Reason for delays

e) Personal consequences

- i) Physical conditions for the crew
- ii) Psychological conditions for the crew, fatigue, depression, etc.
- iii) Effects for crew relatives

d) Operational consequences

- i) Effects on maintenance and technical condition of the ship
- ii) Effects on operations in port and at sea

e) Compensatory measures if crew change is further delayed

- i) Reduced or cancelled operations
- ii) Enhanced medical follow-up
- iii) Additional requirements for supplies
- iv) Economical compensation

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