

SUB-COMMITTEE ON HUMAN ELEMENT,  
TRAINING AND WATCHKEEPING  
11th session  
Agenda item 6

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## COMPREHENSIVE REVIEW OF THE 1978 STCW CONVENTION AND CODE

### Comments on document HTW 11/6

#### Submitted by ICS

#### SUMMARY

<i>Executive summary:</i>	This document comments on document HTW 11/6, in particular the decision taken by the ISWG STCW in relation to regulation I/14 of the STCW Convention.
<i>Strategic direction, if applicable:</i>	6
<i>Output:</i>	6.17
<i>Action to be taken:</i>	Paragraph 19
<i>Related documents:</i>	ILO/IMO JTWG-SIHE 2/6; MSC 108/20 and HTW 11/6

#### Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *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/Rev.5) and comments on document HTW 11/6 (Report of the Intersessional Working Group on the Comprehensive Review of the STCW Convention and Code).

#### Consideration of identified gaps and provisions to be addressed

2 Having considered the proposals submitted, the Intersessional Working Group on the Comprehensive Review of the STCW Convention and Code (the Group) prepared the list of identified gaps, as set out in annex 1 to document HTW 11/6, and took actions as outlined in paragraphs 5 to 97 of document HTW 11/6. In this regard, the Group noted that the proposals in the list would be moved forward with the understanding that the gaps identified in annex 1 would not be necessarily addressed in the manner proposed to the Group (HTW 11/6, paragraph 5).

**Regulation I/14 and its corresponding parts of the Code*****Policy on drug and alcohol abuse prevention***

3 The Group considered the gap identified in annex 1, page 13, number 7 "Policy on drug and alcohol" in document ISWG-STCW 1/2/10 (Austria et al.). The gap identified was that:

"The guidance in section B-VIII/1.8 proposes that companies consider the implementation of a policy of drug and alcohol abuse prevention. However, this guidance should be moved to the text of the STCW Convention in regulation I/14."

4 The suggestion by the submitters was for "Revising the provisions to include them in regulation I/14 of the STCW Convention."

***Discussion***

5 Section B-VIII/1.8 provides guidance that companies should consider implementation of a written policy on drug and alcohol abuse prevention either by inclusion in the company's quality-management system or by means of providing adequate information and education to the seafarers.

6 Section A-VIII/1.10 mandates a limit of not greater than 0.05% blood alcohol level (BAC) or 0.25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration. These mandatory provisions necessitate that policies and procedures in relation to drug and alcohol abuse be developed and implemented.

7 Paragraph 1.2.2 of the ISM Code, which states that:

"1.2.2 Safety management objectives of the company should, inter alia:

- .1 provide for safe practices in ship operation and a safe working environment;
- .2 assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards; and
- .3 continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection",

lends to the argument that the company's obligation under the ISM Code includes the identification of hazards to ship's personnel associated with drug and alcohol abuse and the development of policies and implementation of procedures to maintain a conducive and safe work environment.

***Violence and harassment, including sexual harassment, bullying and sexual assault***

8 The Group considered the gap identified in annex 1, page 13 in document ISWG-STCW 1/2/16 (US). The gap identified was that:

"There are no provisions to require company policies and procedures for prevention of and response to violence and harassment, including sexual harassment, bullying and sexual assault."

9 The suggestion by the submitters was to "Develop provisions in regulation I/14 to require company policies and procedures for prevention of and response to violence and harassment, including sexual harassment, bullying and sexual assault."

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## Discussion

10 ICS notes that the action agreed at HTW 10 in relation to the specific area 7, i.e. "Psychological safety, bullying and harassment, including SASH, gender diversity and gender sensitization" was to:

"Review the STCW Convention to consider incorporating psychological safety, bullying and harassment, including SASH, gender diversity and gender sensitization into the training requirements for seafarers."

11 The second Joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG) was held at IMO Headquarters from 27 to 29 February 2024 to consider future steps, e.g. legislation, mechanisms and policies for reporting and addressing bullying and harassment, including sexual assault and sexual harassment, in the maritime sector.

12 The JTWG recommended that the Maritime Safety Committee consider the adoption of measures in support of the implementation of the ISM Code in the form of a resolution and/or, by revising existing or developing new IMO guidance, to address the issue of violence and harassment, including sexual harassment, bullying and sexual assault, in order to (ILO/IMO JTWG-SIHE 2/6, paragraph 6.1.3):

- .1 incorporate policies and procedures for the prevention of, reporting of cases of, response to, corrective action for and documentation of violence and harassment, including sexual harassment, bullying and sexual assault, in safety management systems, including victim care and protection against retaliation; and the establishment of the company's safety management objectives, including the assessment of risks and establishment of safeguards;
- .2 specify that safety management systems should ensure compliance with mandatory rules and regulations, including national requirements on violence and harassment, including sexual harassment, bullying and sexual assault, and that guidance from the industry organizations is observed;
- .3 apportion responsibilities on company's senior management and Administrations on addressing cases of violence and harassment, including sexual harassment, bullying and sexual assault, and provide adequate resources for shipboard and shoreside management and response, including medical care which includes mental health support for victims; and
- .4 ensure training and familiarization of seafarers and designated shoreside personnel on relevant Company's policies and their implementation.

13 The JTWG further recommended that the ILO Governing Body invite the members of the ILO Special Tripartite Committee of the MLC, 2006 (STC 5), to be held in April 2025, to consider submitting proposals to amend the MLC, 2006, taking into account the provisions in Convention No. 190, in order to ensure that Member States require shipowners to adopt relevant policies and measures to prevent and address violence and harassment, including sexual harassment, bullying and sexual assault (ILO/IMO JTWG-SIHE 2/6, paragraph 6.2.2).

14 The Maritime Safety Committee, at its 108th session, approved in general, the report of the JTWG. It was also agreed to defer consideration of the actions concerning recommendations in the context of the ISM Code and its implementation, to MSC 109, together

with the consideration of the proposal for a new output on the comprehensive review of the ISM Code and related guidelines, as well as the final report of the ISM Study commissioned by the Secretariat. (MSC 108/20 paragraphs 16.10 and 16.13).

15 With reference to the recommendation by JTWG in paragraph 14 above, proposals to STC 5 have been submitted jointly by the Seafarers' and Shipowners' groups to amend Standard A4.3 and Guideline B4.3.1 and by the participating Governments to amend Standards A1.4, A4.1, A4.3 and A5.1.5 and Guidelines B2.8.1, B3.1.10, B4.1.3 and B4.3.1, to incorporate violence and harassment, including sexual harassment, bullying and sexual assault within the MLC, 2006.

### **Conclusions from the discussions**

16 Regulation I/14 of the Convention places responsibility on the company that the seafarers being employed by them are inter alia, properly certificated, adequately familiarized with ship's systems and trained to effectively coordinate their activities in emergency situations. The intent of regulation I/14 is not to apportion responsibility on the company to develop policies related to work conditions, work environment etc. The specifications within section A-I/14 and the guidance provided in section B-I/14 of the Code further elaborate on the obligations placed on the company in relation to assignment of seafarers for service on their ships in accordance with the provisions of the Convention.

17 Regulation I/14 is an effective mechanism and link between the STCW Convention and the ISM Code to ensure the safety of seafarers on board ships subject solely to STCW provisions. Hence, the proposed measures to develop policies, implement procedures and establish safeguards in relation to drug and alcohol abuse as well as violence and harassment, including sexual harassment, bullying and sexual assault are correctly addressed within the MLC, 2006 and/or the ISM Code, as appropriate, which have wider application within the industry.

### **Proposal**

18 ICS proposes that the Sub-Committee:

- .1 consider the discussion points in paragraphs 6 to 8, 17 and 18 of this document and identify "familiarization with the policies and implementation procedures in relation to drug and alcohol abuse" as a gap to be considered for the revision stage of the comprehensive review of the 1978 STCW Convention and Code; and
- .2 consider the discussion points in paragraphs 11 to 16, 17 and 18 of this document and identify "familiarization with policies and implementation procedures in relation to violence and harassment, including sexual harassment, bullying and sexual assault" as a gap to be considered for the revision stage of the comprehensive review of the 1978 STCW Convention and Code.

### **Action requested of the Sub-Committee**

19 The Sub-Committee is invited to consider the proposals in paragraph 18, and take action, as appropriate.