

International Labour Organization (ILO) Work in Fishing Convention 188

**What it means for the UK
fishing industry and those
operating in UK waters**

July 2019

Background

To improve the conditions on board fishing vessels for all commercial fishers key UK and global legislation and initiatives are now helping, or will in the future, to ensure fishers have minimum standards and decent conditions of work on board fishing vessels. One of these initiatives is the International Labour Organization (ILO) Work in Fishing Convention 188 (ILO 188). *The use of the terms fisher and fisherman/fishermen, reflect the terminology used either in the ILO convention or UK requirements and the terms are used interchangeably.*

The UK ratified the Convention in January 2019 and this will impact on all aspects of living and working conditions on UK fishing vessels, wherever those vessels are operating. It will also apply to fishing vessels (that are not UK registered vessels) operating in UK waters. The new provisions will be phased in, but many of them applied in the UK from 30 December 2018.

This briefing note provides an overview of what is covered by the new legislation and what changes this will bring about. The new legislative requirements have been split into those covering health and safety and those covering working conditions. There is also guidance on where to look for further information.

This briefing note is not a definitive guide to the specific requirements of ILO 188 and is not intended to be an interpretation of any legal requirements. Owners and fishers should look at the UK implementing regulations and UK M Notices to see what they have to comply with, rather than the international standard itself.

What is the International Labour Organization (ILO) Work in Fishing Convention 188?

The Convention is a global labour standard to ensure fishers have minimum standards and decent conditions of work on board all fishing vessels. It sets responsibilities for owners, skippers and fishers, regardless of their employment status. The Convention establishes minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security.

ILO 188 applies to all fishers and fishing vessels engaged in commercial fishing operations of any size, with more prescriptive standards for vessels over 24m in length or those operating on voyages of more than three days (72 hours). It supersedes the old ILO Conventions relating to fishers.

ILO 188 entitles all fishers to have a fishers' work agreement setting out their terms and conditions; decent accommodation and food, medical care; regulated working time; repatriation; social protection; and health and safety on board. It also provides minimum standards relating to recruitment and placement, and includes a mandatory requirement to have a certificate of medical fitness to work on board a fishing vessel.

To find out more see [here](#)

When did the ILO Work in Fishing Convention 188 come into force internationally?

The Convention came into force internationally on 16 November 2017 for ratifying countries. By July 2019 14 countries, including the UK, had ratified the convention. [To find out more see here](#)

What changes will the ILO Work in Fishing Convention 188 bring into effect?

ILO 188 will see either new requirements, or amendments to existing requirements, for the following coming into force. The new legislative requirements have been split into two main sections: health and safety, and working conditions, and include:

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What has been the process for the UK to implement the ILO Work in Fishing Convention 188?

A tripartite work group representing workers, owners and government liaised on what was needed to implement ILO 188 in the UK prior to a public consultation, run by the UK Maritime and Coastguard Agency (MCA), from 13 November 2017 to 12 January 2018. A summary of the consultation responses is available online. The UK government produced legislation to implement ILO 188 in November 2018.

[To see a summary of the consultation responses see here](#)

What will this mean for the UK fishing sector and when will the regulations come into force?

ILO 188 will bring about the biggest change to the health, safety and welfare of fishers that has ever occurred in the UK fishing sector. Most of the UKs ILO 188 regulations came into force on 30 December 2018 although specific regulations will be phased in.

[To see how ILO 188 will be phased in see here](#)

Where can I find more guidance on the requirements and how they will be applied in the UK?

The MCA has published a series of Merchant Shipping Notices, Marine Guidance Notes and Marine Information Notes to help fishing vessel owners (which includes the manager), skippers and fishers to understand the new requirements. The MCA is encouraging the industry to look at the M Notices to understand how the UK legislation implementing the Convention applies, rather than to look at the ILO 188 convention itself. **To find out more see [here](#)**

In addition the MCA has published a Marine Guidance Note (MGN 605 (F)) which summarises the main changes for UK fishing vessels caused by implementation of ILO 188. This lists the implementing legislation and supporting guidance for ILO 188 and explains where to find it. It also outlines the timetable for progressive implementation of certain provisions of ILO 188. **To find out more see [here](#)**

What is the role of the MCA?

The MCA is the UK Government Maritime Authority and its responsibilities include the production and oversight of legislation and guidance on maritime matters including those relating to seafarer safety and health. Seafarer safety and health is not a devolved responsibility. The MCA will implement ILO 188 for the UK (England Scotland, Wales and Northern Ireland). The MCA is also the statutory authority for enforcing Merchant Shipping legislation. MCA inspectors have the power to board fishing vessels at all reasonable times and to inspect it to ensure compliance with the regulations; these inspections extend to equipment and documentation. They have the power to prosecute, detain vessels and issue improvement notices.

What will happen if the fishing vessel owner, skipper or crew does not comply with the new regulations?

The MCA will work with industry to encourage compliance with the new regulations where possible. Where owners or skippers do not comply, the MCA may take enforcement action in line with the offences in the regulations. The enforcement action that the MCA can take is varied and the sanctions imposed can and must reflect the seriousness of the legislative breach.

Where do I go to find out more?

Fishers can contact the MCA Seafarer Safety and Health Branch for information and advice using the email address **E: workinfishing.convention@mcga.gov.uk**

How should complaints be made?

Marine Guidance Note 589 sets out the complaints procedure and includes information about who fishers can contact including surveyors and the Marine Offices. A complaint in a UK port should be made to the MCA whether it relates to a UK or foreign fishing vessel. Complaints may be made directly to an MCA surveyor, through an MCA Marine Office or by **E: workinfishing.convention@mcga.gov.uk** If a complaint is received from, or on behalf of a fisher on a non-UK fishing vessel in a UK port, the MCA will advise the fishing vessel's flag State who will be requested, within a prescribed deadline, to give advice and provide a corrective plan of action. The MCA has stated that if a complaint is received, regardless of source, appropriate steps must be taken to safeguard the confidentiality of complainants. **See [here](#)**

Section 1. Health and Safety

[1.1. Safe manning and hours of rest](#)

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1. 1. Safe manning and hours of rest		
The regulation covers	MCA Guidance Note.	What has changed
Safe manning and hours of rest	MSN 1884 Working Time. See Note below.	<p>The requirement for fishing vessels to be safely manned and for fishers to have sufficient rest is not new in UK law, but some parts have been extended to include self-employed share fishers.</p> <p>This stipulates the requirement for safe manning certificates for some fishing vessels and for all fishers to have sufficient rest.</p> <p>Note: Further manning requirements for vessels over 24m in length, and for those at sea for more than 72 hours will come into effect on 30 November 2019.</p>
Further details on safe manning and hours of rest (reported verbatim)		
<p>Merchant Shipping Notice (MSN) 1884. Working Time. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753515/MSN 1884 F ILO work in fishing convention working time.pdf</p> <p>All fishermen, whether they are employed or self-employed share fishermen are entitled to:</p> <ul style="list-style-type: none"> • adequate rest, and the total hours of rest are to be not less than 10 hours in any 24 hour period and 77 hours for each seven days; • exceptions to the limits on hours of rest for objective and technical reasons or reasons concerning the organisation of work; and • permit a skipper to require a fisherman to work any hours of work in an emergency. <p>Employed fishermen (but not for self-employed share fishermen) are entitled to:</p> <ul style="list-style-type: none"> • working time shall not exceed 48 hours per seven day period averaged over 52 weeks; • reasonable rest breaks if the pattern of work puts a fisherman’s health at risk, particularly if the work is monotonous; • to be paid annual leave of at least four weeks; • a free, confidential health assessment before becoming a night worker and require an employer to move a night worker to other duties, where possible, if night working is causing problems with the worker’s health. 		

1.2. List of crew		
The regulation covers	MCA Guidance Note.	What has changed
List of crew	MSN 1891 List of crew. See Note below.	The application of this regulation has changed and the requirement for crew lists to be left ashore now applies to all fishing vessels.
Further details on list of crew (reported verbatim)		
<p>Merchant Shipping Notice 1891. List of crew. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753559/MSN 1891 F ILO work in fishing convention list of crew.pdf</p> <ul style="list-style-type: none"> • All UK fishing vessels must have a list of crew on board which must be left with the nominated person before or immediately after the departure of the vessel when it goes to sea, in case an accident befalls the vessel. • The minimum information to be contained in the list of crew is listed in this notice. • For vessels of 45m and over, the list of crew must be sent annually to the Registry of Shipping and Seamen. 		

1.3. Health and safety responsibilities		
The regulation covers	MCA Guidance Note.	What has changed
<p>Health and safety responsibilities (see separate note on PFDs on next page)</p> <p>This is guidance on how the regulations for safety protections for the crew will be interpreted.</p>	<p>MGN 587 and MGN 588 Health and safety responsibilities See Note below.</p>	<p>Health and safety responsibilities already exist but the new regulations provide greater clarity about the respective responsibilities of owner, skipper and fisher. The biggest change is that the regulations now extend existing health and safety provisions to share fishers.</p>
Further details on health and safety responsibilities (reported verbatim)		
<p>Marine Guidance Note 587. Health and safety responsibilities. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754656/MGN_587_F_ILO_work_in_fishing_convention_health_and_safety_responsibilities_of_fishing_vessel_owners_managers_skippers_and_fishermen.pdf This contains information and guidance on responsibilities of the fishing vessel owner (which includes the manager), skipper and fishermen for health and safety on board UK fishing vessels including:</p> <ul style="list-style-type: none"> • The owner’s responsibility to provide a safe working environment, suitable accommodation and sufficient resources on board the fishing vessel to ensure that everyone can work and stay on board safely and without risk to their health. • The skipper’s responsibility for the safety of fishers on board, and the safe operation of the vessel; <ul style="list-style-type: none"> ○ The right of the skipper to take any decision necessary for the safety of the vessel, its navigation, operation and those on board; ○ The responsibility of fishermen to comply with the orders of the skipper and any safety and health measures on board. • The fishing vessel owner must ensure the health and safety of all fishermen (both employed and share fishermen). 		

1.4. Compulsory provision and wearing of personal flotation devices on fishing vessels

The regulation covers	MCA Guidance Note.	What has changed
<p>There isn't a specific requirement relating to wearing PFDs in ILO 188. The focal point of which is the modification of vessels and working practices to reduce the chance of falling overboard. Where risks cannot be reduced to a safe level by other measures, personal protective equipment, including PFDs, must be provided and used.</p>	<p>MGN 588 PFDs See Note below.</p>	<p>Failure to ensure the provision and wearing of personal flotation devices (PFDs)/fall-restraint harnesses by all fishermen, where there is a risk of falling overboard, will be considered a breach of health and safety rules. This details procedures for the prevention of accidents and wearing appropriate personal protective equipment (PPE) on-board. This is a new requirement for self-employed share fishermen. The wearing of PFDs is required unless a satisfactory alternative method has been identified through a written H&S risk assessment.</p>

Further details on compulsory provision and wearing of PFDs on fishing vessels (reported verbatim)

Marine Guidance Note 588. Compulsory provision and wearing of personal flotation devices on fishing vessels.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759350/MGN_588_F_ILO_work_in_fishing_convention_compulsory_provision_and_wearing_of_personal_flotation_devices_on_fishing_vessels.pdf
 Where risks cannot be reduced to a safe level by other measures, personal protective equipment must be provided and used.

- Following risk assessment, measures should be established to reduce the risk of fishermen falling overboard wherever practicable. MCA will expect to see a record of any risk assessment and measures put in place.
- Failure to ensure the provision and wearing of PFDs and/or fall restraint harnesses by all fishermen working where there is a risk of falling overboard will be considered by the MCA to be a breach of health and safety legislation. The only exception to this is where the fishing vessel owner can demonstrate, through a documented risk assessment, that the risk of falling overboard has been eliminated by other measures.

1.5. Helping to improve the management of safety on fishing vessels

The regulation covers	MCA Guidance Note.	What has changed
Helping to improve the management of safety on fishing vessels.	MGN 596 Fishing Safety Management Code (FSM) See Note below.	In addition to ILO 188 three Codes of Practice have been developed for the fishing industry to help make compliance with the ILO 188 and these codes as straightforward as possible. Industry have developed a new Fishing Safety Management Code (FSM). The FSM provides a framework for supporting the safe operation of fishing vessels and guidance for establishing a safety management system.

Further details on helping to improve the management of safety on fishing vessels (reported verbatim)

Marine Guidance Note 596. Fishing Safety Management Code (FSM).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757814/MGN596_Final.pdf

To help make compliance with the Work in Fishing Convention as straightforward as possible, industry have developed a new Fishing Safety Management Code (FSM), which will also assist in complying with the new Codes of Practice:

- MSN 1871 (F) The Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall (LOA).
- MSN 1872 (F) The Code of Practice for the Construction and Use of Fishing Vessels of 15m LOA to less than 24m Registered Length (L).
- MSN 1873 (F) The Code of Practice for the Construction and Use of Fishing Vessels of 24m (L).

The FSM itself will help you keep on top of the documentation required and to ensure that when you need to take action to check equipment, service it, or carry out maintenance, the system can remind you of what is needed.

1.6. Safety and inspection		
The regulation covers	MCA Guidance Note.	What has changed
<p>Safety and inspection. ILO 188 inspections have begun. The inspections will be synchronised with the existing survey and inspection regime where possible. This inspection leads to a certificate of compliance. Phase in period is 2-3 years.</p>	<p>MSN 1885 Safety and inspection See Note below.</p>	<p>A document of compliance, which confirms that ILO 188 requirements have been met, is required for all fishing vessels which are 24m in length or over and normally navigate at a distance exceeding 200 nautical miles from the coastline of the UK. All other fishing vessels will be subject to inspection for compliance with UK Regulations. Fishing vessels over 24m in length will be surveyed every four years, and other fishing vessels will be surveyed or inspected every five years.</p>
Further details on safety and inspection (verbatim)		
<p>Merchant Shipping Notice 1885. Safety and inspection. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753738/MSN 1885 F ILO work in fishing convention survey and inspection.pdf This gives details on arrangements for the survey, inspection and document of compliance for fishermen’s living and working conditions on UK fishing vessels.</p> <ul style="list-style-type: none"> • A document of compliance with ILO 188 is required for all fishing vessels: <ul style="list-style-type: none"> • 24m in length or over; • Normally navigate at a distance exceeding 200 nautical miles from the coastline of the UK or navigate beyond the outer edge of the UK continental shelf, whichever is the greater distance. • All other fishing vessels will be subject to inspection for compliance with UK Regulations. As far as practicable, this will be carried out alongside the normal fishing vessel survey. • Fishing vessels over 24m in length will be surveyed every four years, and other fishing vessels will be surveyed or inspected every five years. • Fishing vessels may also be subject to inspection if the Maritime and Coastguard Agency (MCA) receives a complaint regarding fishermen’s living and working conditions on board. 		

Section 2. Conditions of work

[2.1. Fishermen's Work Agreements](#)

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2.1. Fishermen’s Work Agreements

The regulation covers	MCA Guidance Note	What has changed
<p>Fishermen’s Work Agreements (FWA). Model agreements for employed and share fishers are provided.</p>	<p>MGN 583 Fishermen’s Work Agreements (FWA). See Note below.</p>	<p>This is a new requirement. The fishing vessel owner is responsible for ensuring that all fishers regardless of employment status have an ILO 188 FWA. Failure to provide a FWA and to comply with the 17 provisions listed in the regulation is considered an offence.</p>

Further details on Fishermen’s Work Agreements (reported verbatim)

Marine Guidance Note 583. Fishermen’s Work Agreements.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761605/MGN_583_F_ILO_work_in_fishing_convention_fishermans_work_agreements_FWAs_.pdf

Every fisherman working on a fishing vessel engaged in commercial operations must have a fisherman’s work agreement (FWA), setting out their terms and conditions.

- Regulations specify the minimum mandatory contents of a FWA.
- General UK employment law includes three additional pieces of information which employers must provide to their employees. It is recommended that these are included in the FWA:
 - Normal hours of work and any provision for overtime
 - Grievance and disciplinary procedures
 - Any pension attached to the employment.
 - Each fisherman must have an opportunity to review and understand their FWA before they are required to sign it and must be given a signed copy.
 - A copy of the FWA must also be held on board the vessel with a translation in English if necessary.
 - A link to the MCA model agreements (non-mandatory) for employed fishermen and for self-employed share fishermen is provided.

MCA Model fisherman’s work agreements. Published 21 February 2019.

<https://www.gov.uk/government/publications/model-fishermans-work-agreements>

- There are two model formats for a fisherman’s work agreement, one for employed fishermen and one for self-employed share fishermen.

2.2. Minimum age for fishers

The regulation covers	MCA Guidance Note	What has changed
<p>Minimum Age Requirements Employment of young persons including night work</p>	<p>MSN 1882 Minimum Age and Health & Safety Protection for young persons. See Note below.</p>	<p>New rules apply regarding the employment of young people. You must be over 16 years of age and have completed the mandatory training to work on-board a fishing vessel. There are limitations for night work for those under 18 years of age.</p>

Further details on minimum age for fishers (reported verbatim)

Merchant Shipping Notice (MSN) 1882. Minimum age and protection for young persons on fishing vessels.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753742/MSN_1882_F_ILO_work_in_fishing_convention_minimum_age.pdf

- This notice provides information about the minimum age for fishermen and the protection of young persons (under 18 years) working on board UK fishing vessels.
- The minimum age for working on a UK seagoing fishing vessel is 16 years of age, but provision is made in certain circumstances for those aged 15 to do light work in school holidays.
- Additional safety measures are required to protect young persons (those under the age of 18 years), particularly for work which may jeopardise their health and safety.
- The employer must carry out a risk assessment with regard to the particular risks to young persons. Guidance is given on specific risks to young persons which may arise from their work on board fishing vessels.
- Where young persons are required to work at night, the fishing vessel owner must ensure that the vessel's risk assessment records the steps they have taken to minimise the risks of night work and to protect the young person. "night" means a period of at least nine consecutive hours including the hours between midnight and 5 a.m. (local time).
- An employer must provide health surveillance for those under the age of 18 years who work at night.
- The minimum hours of rest are specified for fishermen under 18 years of age.

2.3. Repatriation

The regulation covers	MCA Guidance Note	What has changed
Repatriation requirements	MGN 584 Repatriation. See Note below.	<p>This is an existing requirement for employed fishers, but under ILO 188 is extended to all fishers.</p> <p>These provisions concern a fishers entitlement to repatriation when his work agreement expires. Vessel owners have a duty of care for the individual pending repatriation.</p>

Further details on repatriation (reported verbatim)

Marine Guidance Note 584. Repatriation

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757259/MGN_584_F_ILO_work_in_fishing_convention_repatriation.pdf

- This Note provides information on the circumstances in which fishing vessel owners are required to repatriate fishermen and the provision that must be made, including the fishermen's relief and maintenance whilst awaiting and during repatriation.
- The Work in Fishing Convention Regulations place a duty on fishing vessel owner to make provision for the repatriation of a fisherman (whether they are an employee or not) as soon as is practicable, and at no cost to the fisherman, in certain circumstances which are listed.

2.4. Recruitment and placement

The regulation covers	MCA Guidance Note	What has changed
Recruitment and placement		<p>There are no changes to legislation. The MCA is considering developing further guidance to help fishing vessel owners understand their existing responsibilities.</p>

2.5. Payment to fishers		
The regulation covers	MCA Guidance Note	What has changed
Payment requirements	MGN 585 Payment of fishermen. See Note below.	<p>The new regulations will require some minor changes to UK legislation to align with ILO 188.</p> <p>For employed fishers wages must be paid monthly, or at other regular intervals, as set out in the FWA. For self-employed share fishers, payments due to them, and the basis on which the payment is calculated, must also be provided. Some form of accounting must be given to the fishers in respect of their wages.</p>
Further details on payment to fishers (reported verbatim)		
<p>Marine Guidance Note 585. Payment of fishermen. This Marine Guidance Note provides guidance on the minimum standards to be met in paying fishers for their work on fishing vessels. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757230/MGN_585_F_ILO_work_in_fishing_convention_payment_of_fishermen.pdf</p> <ul style="list-style-type: none"> • Whether fishermen are employed or work as self-employed share fishermen the fisherman’s work agreement must state how much (either as a specified amount or how it will be calculated) they will be paid, and when. • Employed fishermen must be paid regularly in accordance with their FWA and receive an account of their wages. • The owner or employer may only make deductions from the wages of employed fishermen which are authorised by the Regulations. Authorised deductions, and the conditions that apply, are explained. • Self-employed share fishermen are entitled to have provisions on how their payments are calculated in their FWA and to receive an account of payments made. 		

2.6. Crew accommodation, food and complaints		
The regulation covers	MCA Guidance Note	What has changed
<p>Construction (including accommodation), use and safety of vessels for existing vessels and new builds already planned or under construction when the new regulations come into force, and new builds where planning is agreed after the regulations come into force.</p>	<p>MSN 1871 The Code of Practice for the Safety of Small Fishing Vessels of less than 15m Length Overall See Note below.</p> <p>MSN 1872 The Code of Safe Working Practice for the Construction and Use of Fishing Vessels of 15 - 24m. See Note below.</p> <p>MSN 1873 The Code of Practice for the Construction and Safe Operation of Fishing Vessels over 24m. See Note below.</p>	<p>This change introduces minimum standards for crew accommodation with requirements for new vessels and those outside the ‘new’ category.</p> <p>For ‘new’ boats (and there is a definition) there is a requirement to ensure adequate headroom, insulation, ventilation, lighting, bedding and sanitary facilities. This could impact on size, stability, amount of space in other sections, materials and cost.</p> <p>For vessels that fall outside the ‘new’ category, crew accommodation should be appropriate to the ‘service of the vessel and the length of time the crew live onboard’. This will be at the discretion of the surveyor. The skipper, or appointed crew member, must inspect the accommodation every 7 days to ensure it is clean, habitable and in a good state of repair. Findings must be recorded in the vessel’s logbook. Failure to do so is an offence that lies with the owner, and sometimes the skipper, either of whom could be liable to prosecution.</p>

2.6. Crew accommodation, food and complaints contd

Further details on crew accommodation, food and complaints (reported verbatim)

Merchant Shipping Notice 1871. The Code of Practice for the Safety of Small Fishing Vessels of less than 15m Length Overall.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757932/MSN1871_Amendment_No.1.pdf

This covers a number of new requirements from 23 October 2019 for existing vessels and for new vessels from 23 October 2017:

- Various equipment requirements covering life rafts; EPIRBs with a built in GPS receiver; radar reflectors; bilge alarms; and carbon monoxide monitors.
- Vessels built prior to 16 July 2007 newly entering the fishing industry must have a Certifying Authority Survey prior to registration and MCA Inspections of the vessel are required at change of ownership.
- Emergency drills are now required.
- Certificates to be issued for Small Fishing Vessels.
- Substantial modifications, fitting of new gear or changes to the mode of fishing to be approved by MCA prior to work taking place.
- Stability requirements for new or significantly modified vessels of 12m (L) – 15m (LOA).
- The wearing of Personal Floatation Devices is mandatory unless a written risk assessment can demonstrate that the risk of going overboard has been eliminated.
- Crew accommodation requirements for existing vessels and vessels built or subject to substantial modification after 31 December 2018.

Merchant Shipping Notice 1872. The Code of Safe Working Practice for the Construction and Use of Fishing Vessels of 15m Length Overall to less than 24m Registered Length

<https://www.gov.uk/government/publications/msn-1872-amendment-1-safe-working-for-construction-and-use-of-fishing-vessels>

The main changes are:

- Substantial modifications or alterations carried out to the structure or machinery of a vessel to be notified to MCA prior to work taking place.
- If vessels are using shore power while the crew are living aboard this should not affect the early warning safety detection systems.
- The wearing of a Personal Floatation Device is mandatory, unless a written risk assessment demonstrates that the risk of going overboard has been eliminated.
- EPIRBs should be capable of transmitting the position obtained from a built-in GPS receiver to a satellite.
- The Code also now incorporates additional requirements for Crew Accommodation for new vessels built or subject to substantial modification after 31 December 2018.

2.6. Crew accommodation, food and complaints contd

Further details on crew accommodation, food and complaints (reported verbatim)

Merchant Shipping Notice 1873. The Code of Practice for the Construction and Safe

Operation of Fishing Vessels of 24m Registered Length and Over.

<https://www.gov.uk/government/publications/msn-1873codes-of-practice-for-construction-and-safe-operation-fishing-vessels>

This provides a Code of Practice for the Construction and Safe Operation of 24m Registered Vessels and over. In agreement with industry, the Code contains some additional requirements based on MAIB findings and discussion with Industry. These include measures to:

- Prevent flooding or aid its early detection.
- Aid man overboard recovery.
- Ensure safe provision of shore power.
- Reduce the risk of fire.
- Aid evacuation of the vessel in an emergency.
- Substantial modifications or alterations carried out to the structure or machinery of a vessel to be notified to MCA prior to work taking place.
- If vessels are using shore power while the crew are living aboard this should not affect the early warning safety detection systems.

2.7. Provision of food and water		
The regulation covers	MCA Guidance Note	What has changed
Provision of Food and Water	MGN 595 . Provision of Food and Water. See Note below.	The minimum requirement is to provide free food and drinking water while on-board.
Further detail on the provision of food and water (reported verbatim)		
<p>Marine Guidance Note 595. Provision of Food and Water. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754662/MGN_595_F_ILO_work_in_fishing_convention_provision_of_food_and_water.pdf</p> <p>This provides practical advice on the provision of food and water for all fishing vessels:</p> <ul style="list-style-type: none"> • Food and drinking water of appropriate quality, nutritional value and quantity to meet the needs of those on board must be provided without charge to all fishermen while they are on board. • The cost of providing food and drinking water may be recovered as an operational cost where provided for under a share system. • Food hygiene principles and the provision and maintenance of fresh water must be applied regardless of the age, size and type of vessel. • Bacterial contamination is the most serious risk to food and fresh water safety. • Those preparing or serving food must demonstrate a working knowledge of the principles and practices of food hygiene. • Prevention using a risk assessment and management approach is one of the most effective means of ensuring food and fresh water safety. 		

2.8. Complaints		
The regulation covers	MCA Guidance Note	What has changed
Complaints	MGN 589 Complaints. See Note below.	A clear complaints procedure has been provided. It is a requirement for the vessel owner and skipper to ensure that any fisher who has recorded a complaint is not treated detrimentally.
Further details on complaints (reported verbatim)		
<p>Marine Guidance Note 589. Complaints. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764071/MGN_589_F_ILO_work_in_fishing_convention_complaints.pdf</p> <ul style="list-style-type: none"> • ILO 188 makes provision for fishermen or other interested parties to make a complaint alleging a breach of the requirements of the Convention • Complaints may be raised by fishermen on UK fishing vessels, where MCA is the certifying authority, or by fishermen on non-UK fishing vessels when in UK ports. • Any complaints will be investigated by the MCA and may lead to an inspection, which will be limited to the scope of the complaint. • However, if there is evidence which indicates that the fishing vessel may not be compliant with ILO 188 the MCA may widen the scope of the inspection. • Fishing vessel owners are encouraged to develop non-mandatory on-board complaints procedures to try to resolve complaints at the lowest possible level. 		

2.9. Medical certification – Grandfather Rights		
The regulation covers	MCA Guidance Note	What has changed
<p>Medical Certification - Application to Existing Fishermen (“Grandfather Rights”)</p>	<p>MIN 575 Grandfather Rights See Note below.</p> <p>The purpose of applying grandfather rights for existing fishermen is to try to ensure that, where they can do so without significant risk to their own or others’ health and safety, fishers are able to continue to carry out an occupation they have been engaged in safely prior to the introduction of the requirement for a medical fitness certificate. This recognizes that there would have to be a very good reason for someone who had been working over a long period to become disqualified from doing so due to a change in legislation when there has been no other change in circumstances.</p>	<p>There is a new requirement for fishers to have a statutory medical fitness certificate but existing fishers who may not meet the medical standards i.e. would normally be either temporarily or permanently unfit for work at sea, or would be subject to a restriction which meant that they could not continue to work may be considered for Grandfather Rights by an approved doctor.</p>
<p>Further details on Grandfather Rights (reported verbatim)</p>		
<p>Marine Information Note 575. Medical certification Grandfather Rights. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753497/MIN_575_F_ILO_work_in_fishing_convention_medical_certification_application_to_existing_fishermen_grandfather_rights.pdf From 30 November 2018, fishermen will be required to hold a medical fitness certificate to work on a fishing vessel. This requirement will be phased in. Existing fishermen who are eligible and have a medical condition which does not pose an immediate risk to safety may be issued with a medical certificate under “grandfather rights”. Any fisherman holding an overseas medical fitness certificate on 30 Nov 2018 will be able to continue to work with that certificate, even if it is not one normally accepted by the UK for working on a UK vessel, until it expires or for two years, whichever is sooner.</p>		

2.10. Medical certification – countries with medical equivalency

The regulation covers	MCA Guidance Note	What has changed
Medical certification	<p>MSN 1815 Countries with medical equivalency. See Note below.</p>	<p>There is a new requirement for fishers to have a statutory medical fitness certificates. A list of countries whose seafarer medical fitness certificates are accepted as equivalent to the UK ENG 1 medical fitness certificate is provided in the MSN. Note. Non-UK fishing crew working onboard UK fishing vessels with a seafarer medical certificate not recognised by the MCA, issued before the regulations came into force, may continue to use the medical certificate until the date of expiry, or if earlier, 30 November 2020.</p>

Further details on medical certification (reported verbatim)

Merchant Shipping Notice 1815. Countries whose Seafarer Medical Certificates are accepted as Equivalent to the UK Seafarer Medical Fitness Certificate (ENG 1).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/758969/MSN_1815_M_F_Amendment_2_Countries_whose_seafarer_medical_certificates_are_accepted_as_equivalent_to_the_UK_seafarer_medical_fitness_certificate_ENG_1_.pdf

This lists the countries whose seafarer medical fitness certificates are accepted as equivalent to the UK ENG 1 medical fitness certificate. This is now applicable to both seafarers and fishermen.

2.11. Health protection and medical care		
The regulation covers	MCA Guidance Note	What has changed
<p>Health protection and medical care</p> <p>There will be requirements for compulsory financial security requirements for sickness, injury and death coming into effect on 30 November 2019.</p>	<p>MGN 586 Medical care. See Note below.</p> <p>MSN 1883 Medical examination and certification for fishermen. See Note below.</p> <p>MSN 1886 Approved doctors and medical standards. See Note below.</p> <p>MGN 582 Still to come.</p>	<p>The regulations set out that medical care must be provided to crew onboard and that the owner must bear the cost of any treatment.</p> <p>Fishing vessel owners will have a duty to ensure a fisher receives medical treatment on-board a vessel and ashore, and is taken ashore in a timely manner if needed. The vessel owner covers the costs for medical treatment. From 31 December 2019 the fishing vessel owner must have a system of financial assurance in place to provide compensation in the event of death or long-term disability to fishers arising from occupational injury, illness or hazard.</p>
<p>Further details on health protection and medical care (reported verbatim)</p>		
<p>Marine Guidance Note 586. Medical care. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757255/MGN_586_F_ILO_work_in_fishing_convention_medical_care.pdf</p> <ul style="list-style-type: none"> • If a fisherman requires medical care while working on a fishing vessel they must receive this free of charge. The statutory liability for the costs of medical care rests with the fishing vessel owner under the ILO Work in Fishing Convention. • This includes the provision of medical stores and ensuring the crew comply with requirements for training in first aid and medical care. • Where fishermen require medical treatment not available on board, they have the right to go ashore for treatment in ports of call, where reasonably practicable. • 		

2.11. Health protection and medical care contd

Further details on health protection and medical care (reported verbatim)

- Where fishermen suffer injury, illness or death due to occupational accident or disease, the fishing vessel owner may be liable for compensation, with a system in place to ensure funds are available.
- Information is provided about accessing telemedical services (TMAS) and Dreadnought Unit.

Merchant Shipping Notice 1883. Medical examination and certification for fishermen.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753129/MSN_1883_F_ILO_Work_in_fishing_convention_medical_examination_and_certification.pdf Contains guidance on why medical fitness examinations are important and the responsibility of fishermen, owners and skippers to comply with the requirements.

Merchant Shipping Notice 1886. Appt of Approved Doctors and Medical and Eyesight Standards.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761496/MSN_1886_M_F_MLC_and_ILO_188_work_in_fishing_convention_medical_examination_system_appointment_of_approved_doctors_and_medical_and_eyesight_standards.pdf

This covers the mandatory fitness standards specified by the Secretary of State, the qualifications required by a medical practitioner and guidance on the forms to be used by medical practitioners and medical referees in keeping records and making returns.

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