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Marine Guidance Note MGN 413 Amendment 2

Voluntary code of practice for employment of
non-European economic area (EEA)
fishing crew

Common Language Group
27 May 2020



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MGN 413(F) Background

- Shortage of local recruits to Scottish fishing industry
- Need to employ crew from elsewhere
- Non-EEA crew
 - Immigration rules for those working in territorial waters
- Crew living on board fishing vessels



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Background

- Scottish Fishing Federation Code of Practice for Employment of non-EEA Fishing Crew – 2009/10
- Adopted as national guidance by FISG Health and Safety Committee
- MGN 413(F) – June 2010



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VISION II

- Twin-rig prawn trawler
- Alongside in Fraserburgh undergoing repairs
- Crew living on board
- August 2008
 - Fire caused by fault in fan heater in galley or cigarette?
 - 3 fatalities



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VISION II

Standards issues raised

- The impact of security arrangements on emergency access and egress
- Limitations of operating on shore power (especially alarms)
- Emergency training/drills
- Safe access requirements to and from the vessel.



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VISION II: MCA actions

- Operational Advice Note (OAN 654) to surveyors providing guidance on the areas to be assessed when migrant workers live on board the vessel in port
- With fishing industry to produce a draft code of practice for employment of non EEA fishing crew,



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VISION II:

MAIB Recommendation

The Maritime and Coastguard Agency is recommended to:

- Broaden the scope of your review of the safety issues associated with crews living on board fishing vessels to include:
 - The impact of security arrangements on emergency access and egress
 - Safe access requirements to and from the vessel



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MGN 413(F)

- Responsibility for Safety
- Training
- Safety alongside
- Domestic Facilities
- Recreational facilities
- Medical /dental facilities
- Conditions of employment
- Adequate wet weather gear and clothing
- Legal requirements and discipline



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MGN 413 update

- MAIB Report – CONSTANT FRIEND
 - Kilkeel Harbour – Sep 2017
 - Filipino crew member drowned returning to the vessel after an evening ashore
 - Access required climbing over guardrails of another vessel



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MAIB CONSTANT FRIEND

- **2018/109** Review and amend MGN 337(M+F) – Provision of Safe Means of Access to Fishing and Other Small Vessels – to highlight the need for risk assessments to specifically include the hazards associated with crew members proceeding to and from the shore for recreational activities. The guidance should include suggested control measures such as the provision of guardrail gates and a formal arrangement for a nominated crewman to monitor and assist individuals boarding the boat.



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MGN 591 (M+F)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887105/MGN_591.pdf



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MAIB CONSTANT FRIEND

- **2018/110** Review and amend MGN 413(F) – Voluntary Code of Practice for Employment of non-European Economic Area (EEA) Fishing Crew – to clarify the requirement, or otherwise, to seek Border Force authorisation before allowing non-EEA fishing crew to proceed ashore for local leave.



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Update of MGN 413

- Agreed with SFF that MCA would lead
- Consulted tripartite Working Group on Work in Fishing Convention
 - ILO Work in Fishing Convention standards
 - MAIB recommendations



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Update of MGN 413

- Responsibility for safety – **MGN 587(F)**
- Certificates required
 - Updated safety training
 - **Medical fitness certificates**
- **Risk assessments**
 - Safety folder
 - Fishermen's Safety Guide
 - Safety management systems MGN 596(F)



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Update of MGN 413

- **Accommodation**

For all fishing vessels, the following must be appropriate to the service of the vessel and the length of time fishers live on board:

- .1 Maintenance of accommodation and galley spaces with due regard to hygiene and overall safe health and comfortable conditions;
- .2 Ventilation, heating, cooling and lighting;
- .3 Mitigation of excessive noise and vibration;
- .4 Location, size, construction materials, furnishing and equipping of sleeping rooms, mess rooms and other accommodation spaces; and
- .5 Sanitary facilities, including toilets and washing facilities, and supply of sufficient hot and cold water.



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Update of MGN 413

- Accommodation:
 - MSN 1871(F), MSN 1872(F), MSN 1873(F)
 - Inspection of escape routes
 - Only electromagnetic holdbacks on fire doors
 - Approved cooking and heating appliances
 - Mandatory gas and carbon monoxide detectors
 - Ventilation
 - Sanitary facilities must be on board



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Update of MGN 413

- Greater emphasis on crew familiarisation
- Alcohol
 - Drugs and Alcohol policy recommended
 - Clarification that crew may stay ashore long enough for effects of alcohol to wear off.
- Living and working conditions
 - **Fisherman's work agreement**
- Annex 1 removed – risks of sleeping on dead ships
 - MGN 425(M+F) Amendt 1
- Contact lists updated



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MGN 413 (F) Amndt 2

- MGN 413 already looking ahead to ILO Work in Fishing Convention
- Update reflects
 - Vessel standards, as a result of MAIB recommendations etc.
 - Border Force guidance
 - ILO Work in Fishing Convention