

Land Ahoy !

In pursuit of its mandate to raise the safety standards in the country's fishing fleet, the Norwegian Maritime Authority will rely on dialogue with the industry

Over the last decade, Norway's fishing fleet has undergone significant structural changes that have led to fewer vessels and a smaller number of professional fishers. This is due to the merging of allowable amounts of catch and also due to more efficient vessels and improved profitability for many. There has also been a significant upgrade of the vessel fleet, both in terms of new building and modification of existing vessels, which entail an upgrade of the standard of accommodation conditions, improving the working and living conditions for fishers working on board. An improved inspection regime during vessel construction and more detailed periodical inspections have also led to safer vessels.

A review of the accident statistics for Norwegian-registered fishing vessels shows that most of the damage to vessels happens as a result of grounding or fire on board, as shown in Figure 1. The smallest fleets of less than 15 m in length are the most accident-prone.

Figure 2 illustrates a positive trend in the number of occupational accidents in the fishing fleet. The Norwegian Maritime Authority (NMA) hopes that this trend is a result of the increased focus on preventive measures over the recent years. We see a significantly higher number of reported occupational accidents in the fleets above 24 m, but the statistics probably do not give us the whole story in this case. We know that occupational accidents are being under-reported in the fishing fleets below 15 m, and the big picture would be more nuanced if we had access to all the data.

Even if the number of fatal accidents has decreased in the Norwegian fishing fleets, we will not

be satisfied until we have similar results as in 2008, when, for the first time in history, no professional fishermen in Norway lost their lives at work, as shown in Figure 3.

The legislation administered by the NMA is meant to contribute to increased safety. When inspections uncover non-compliance with the legislation, this is often explained by poor attitudes towards safety or lack of a safety culture. This is not necessarily the case, since attitudes depend on how the risk is perceived. Individual experiences, personal abilities and aspects of the working environment in general play a significant role in the understanding of risks.

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For years, the NMA has worked purposefully towards increasing the focus on safety in the Norwegian fishing fleet, both through increased supervision and stricter regulatory requirements, but also through attitudinal and behavioural measures. We have an organized cooperation with other authorities, fisheries organizations, insurance companies and research communities. This cooperation focuses on health, environment and safety for fishermen, and the goal is to find common measures in order to improve the health, environment and safety level in the fleet.

Liable party

According to Norwegian law, the company is the main liable party

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Figure 1: Marine (not occupational) accidents distributed by length

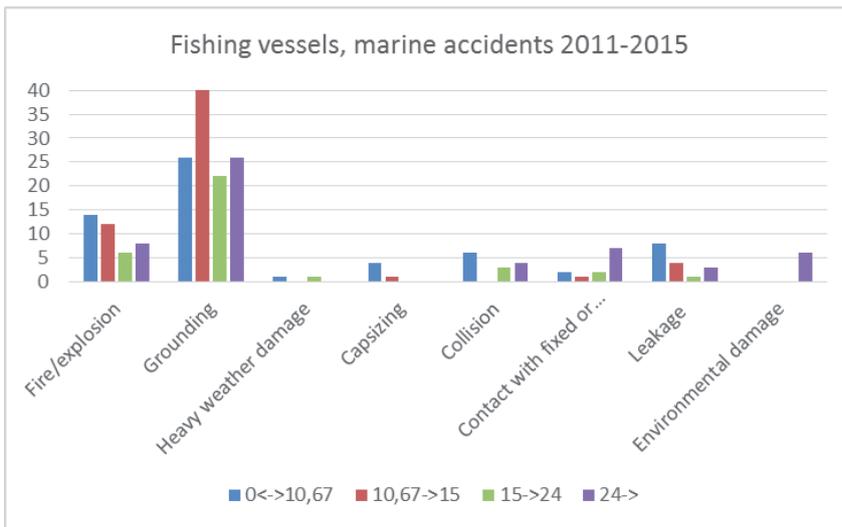
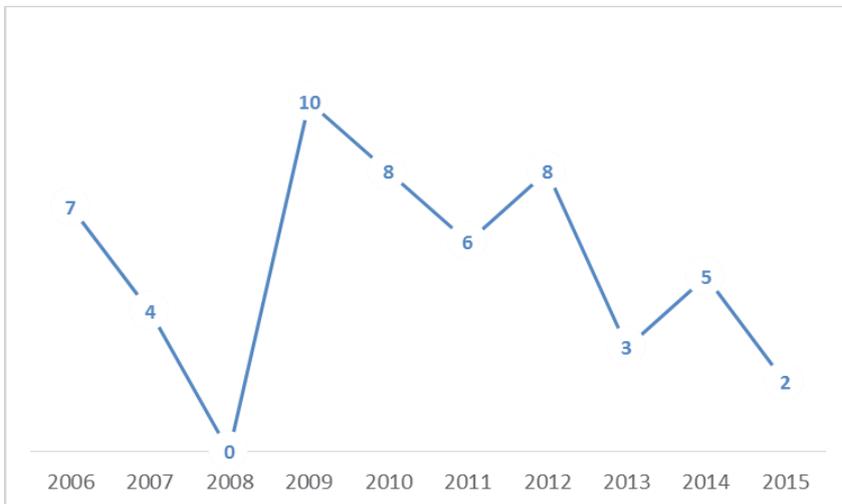


Figure 2: Development of occupational accidents, 2011—2015



Figure 3: Fatal accident rate in the Norwegian fishing fleets



(as per the Ship Safety and Security Act). The company has an overall duty to ensure that the construction and operation of the ship is in accordance with the Act, and that the master and other persons working on board comply with the legislation.

As regards employment rights, Norway gives seafarers and fishermen equal rights to a greater degree than what is done internationally. Fishermen have the same rights as seafarers to an employment agreement in writing, salary, holiday and leave of absence. In connection with the implementation of the Maritime Labour Convention (MLC) in 2008, the requirement for an employment agreement in writing was introduced for all fishing vessels regardless of size.

For Norwegian fishing vessels, the Ship Safety and Security Act provides the main provisions for safety and working environment on board. The Regulations on working environment, safety and health for persons working on board ships give more detailed provisions and guidelines on how the requirements of the Act shall be satisfied, and these Regulations apply to the entire vessel fleet, regardless of size. They include, among other things, a requirement for documented risk assessment of hazards on board.

Through cooperation with the fisheries industry and our neighbours in Denmark (the Danish Working Environment Council), the NMA has developed an online utility programme to make it easier for Norwegian fishermen to carry out risk assessments. The programme (see www.fiskrisk.no) is available for everyone free of charge (but, for the time being, available only in Norwegian).

The Regulations also include requirements for personal protective equipment and the construction and arrangement of working equipment so that the employees are protected against accidents and injuries to health. Safety measures shall also be implemented to avoid long-term effects on health, which may be caused by exposure to chemicals, vibrations or noise in the working environment.

The company has a duty to ensure that persons working on board are given the necessary training and

information about safety and health risks related to their work. The fishermen or their safety representative shall be consulted and have the right to make proposals in connection with any issue which may affect their health or safety.

On Norwegian fishing vessels, it is currently possible to use young people under the age of 16 as paid labour. This rule will nonetheless be changed following the implementation of ILO Work in Fishing Convention No. 188.

Provisions related to the accommodation, diet, potable water and cleaning for fishing vessels of more than 15 metres are laid down in a separate set of regulations. These regulations will implement the requirements of the ILO Convention No. 188 into Norwegian legislation without further adaptation.

Norway has separate regulations covering rest period requirements for all persons working on board fishing vessels, which means that the fishermen shall have at least 10 hours of rest in any 24-hour period and 77 hours in any 168-hour period. The interval between consecutive periods of rest shall not exceed 14 hours, and one of the rest periods shall be at least six hours in length.

Compliance with the legislation on hours of rest may, in some cases, be a challenge for parts of the fishing fleet. There are several reasons for this, one of them being that the entire crew is often involved in fishing activities that may be difficult to plan in advance. Some vessels, however, are probably understaffed in relation to their operational pattern, and it is our impression that the regulations on hours of rest are not well known among all fishermen.

Risk assessments carried out by the NMA show that challenges related to fatigue is an important contributing cause of accidents, both groundings and occupational accidents. In 2016, we will, therefore, have a particular focus on hours of rest and manning in our unscheduled inspections, and in connection with certificate supervision where company's control is required. Norway does not require safe manning documents on fishing vessels, but regulations for this will be introduced in connection with the implementation of ILO Convention

No. 188. We will, in addition, introduce a requirement stipulating that a specification of crew shall be sent to the designated person ashore (company), which is not being practised by all fishing vessel companies today.

Technical requirements and supervision schemes for fishing vessels under 15 m

Norway has a number of national regulations on construction, outfitting and operation of fishing vessels. Fishing vessels of between 10.67 and 15 m in overall length (OAL) have, since 2001, been subject to a supervision scheme where it is required to have valid vessel instructions on board. The vessel instructions are issued by approved companies on behalf of the NMA.

In connection with the entry into force of new regulations for the construction of fishing vessels of under 15 m, fishing vessels of between 8 and 10.67 m OAL must also be subjected to an initial survey by an approved company, and these vessels are now also covered by the requirement for valid vessel instructions. After 2022, all sailing fishing vessels of more than 8 m will be required to have valid vessel instructions.

The NMA is rarely directly involved in the issuance of vessel instructions, but the company may appeal a decision to the NMA. We also assist the approved companies by preparing the necessary guidelines and report forms, and by providing the necessary clarifications and information about decisions of principle.

The ship-owner shall, first and foremost, carry out the inspection in order to safeguard his crew, himself and his vessel. The inspection shall ensure that all fishing vessels maintain a common safety standard, and the vessels instructions are a confirmation of this.

When a vessel is to be presented for inspection, the ship-owner or master must contact an approved company to arrange an inspection. In connection with this, the ship-owner or master must first carry out a control of the vessel (company's control). The company's control is carried out in accordance with the report form prescribed by the NMA. The report

form and other useful guidelines can be found on the NMA's website.

Approved companies will review the vessel documentation and carry out inspections on board the vessel. When an inspector from the approved company has been on board and has found the vessel and documentation to be in order, vessel instructions are issued.

Vessels of under 9 m shall only be subject to an initial survey by an

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approved company, and thereafter to periodic company controls. Vessels of between 9 and 10.67 m shall, after the initial survey, be subject to periodic controls by an approved company every 60 months. Vessels of over 10.67 m shall, after the initial survey, be subject to periodic controls by an approved company every 30 months.

Apart from the above mentioned control by an approved company, the NMA carries out unscheduled inspection of the fleet. This will, in practice, take place by inspectors from the NMA showing up in the port and carrying out an inspection on board the vessel without prior notification. This is a good way of checking the safety standard in the fleet.

If the inspection uncovers non-compliance on the part of the vessel, this could result in the NMA issuing orders to rectify, with a deadline for rectification, or it could lead to the vessel being detained until the non-compliance has been rectified. The NMA also has the possibility of issuing a coercive fine if the deadline is exceeded. In serious cases, a violation fine may be imposed on the company or the individual seafarer, or they may even be prosecuted in particularly serious cases. The Norwegian Coast Guard also has limited access to control vessels, either alone or in cooperation with the NMA and the Directorate of Fisheries.

In the years to come, the NMA wants to place greater importance on the active prevention of accidents and the use of safety-management systems. It is a deliberate policy that fishermen are being included, to a greater degree, in requirements for systematic safety activities and quality assurance, which characterise the Norwegian working life in general.

All fishing vessels used for commercial purposes are required to have a Safety Management System which can be documented and verified in order to identify and control the risks and also to ensure compliance with requirements laid down in, or pursuant to, a statute or in the actual Safety Management System. The contents, scope and documentation of the Safety Management System shall be adapted to the needs of the company and its activities. Fishing vessels of 500 gross registered tonnage (GRT) and upwards shall have a certified ISM Safety Management System.

It has, however, become apparent that there is also a need for developing more specific regulatory requirements in order to supplement the Act's requirements related to safety management for small vessels. The NMA is, therefore, well under way in developing more detailed regulations for fishing vessels of under 500 GRT. The fishermen's organizations and insurance companies in Norway have, in turn, developed detailed safety-management manuals for their members, as tools to implement proper safety management on board the vessel. The NMA places great importance on keeping a good dialogue with the industry and its various organizations in the ongoing work to raise the safety standard in the fleet. 

For more

www.sjofartsdir.no/en/

Norwegian Maritime Authority

www.sjofartsdir.no/en/legislation/#laws

Legislation relevant to Marine Ship and Safety