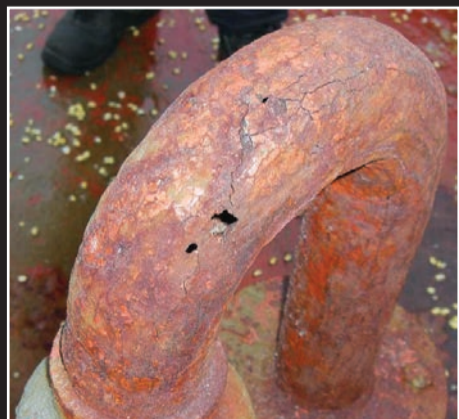
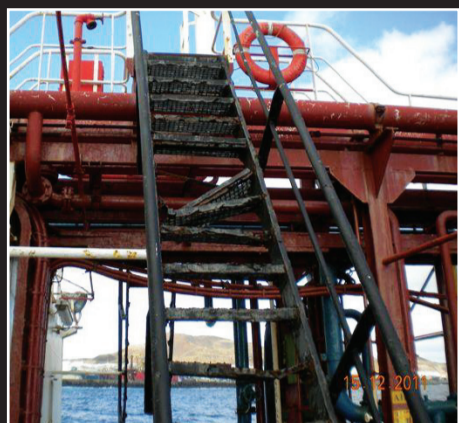


## HEALTH AND SAFETY



# Enforcing your way to a decent work

→ As head of the organisation leading port state control work in almost 30 countries, Richard Schiferli has a clear message for seafarers. 'I want them to know that we are there for them. As an inspector, you can leave the ship — but they are staying onboard, and if you can leave knowing that you would have sailed with them, then you are doing a good job.'

And as a former ship's officer, Mr Schiferli remains fully aware of the pressures and problems that seafarers face today — pointing out that port state control inspectors are now starting to switch their focus from the 'hardware' to the 'software' of shipping operations.

'Human factor' issues like fatigue and training are to be increasingly targeted by port state control officers, he promises. Concentrated inspections over the next three years are set to focus on hours of work and rest regulations, crew familiarisation and entry into enclosed spaces, as well as the rules on shipboard living and working conditions laid down by the Maritime Labour Convention (MLC).

Mr Schiferli, who has headed up the Paris Memorandum of Understanding (MOU) on port state control (PSC) since 1997, says the approach to inspections is coming full circle after almost two decades in which attention has been directed largely at the physical state of ships and their equipment.

The time is right for such a shift, he adds, with increasing concern about issues like training standards, reduced manning levels and communication problems between multinational crews.

He's conscious of the demands that PSC puts on seafarers — and masters in particular — but hopes they can accept that inspections aim to uphold their safety and welfare.

The paperwork demands of the industry also have an impact on port state control officers, he stresses. 'What worries me is the bureaucracy today, which means that half the time PSC officers spend on inspections is dedicated to going through all the documents, certificates and record books.'

'It's not only a nightmare for the master, but also for the inspectors who would much rather spend their time on the bridge, on the deck or in the engine room or crew areas which are where the real PSC inspection takes place,' he adds.

Mr Schiferli believes PSC is not given enough credit for the marked improvement in maritime safety standards over the past 30 years. The proportion of unseaworthy ships having to be detained after inspections has fallen from almost 20% to less than 4%, he says, and the statistics show a substantial reduction in the scale of structural and maintenance problems.

The development of performance lists has helped to expose poorly performing flags and recognised organisations, he adds, and has extended the scope of the inspection process to other parties with responsibility for shipping operations. This increased transparency means that anyone involved in the transportation process has access to data to demonstrate whether they are doing business with a quality owner, he suggests.

Mr Schiferli points to Panama as an example of the way PSC can bring about beneficial change. 'For years it was on the blacklist, and one time when I was in London the Panamanian ambassador told me she was very upset with the Paris MOU. This led to meetings between us and the Panamanian administration, and they must have listened — because two years later they went through some major changes and went on to move onto the whitelist, which shows that even the biggest registers can change.'

He emphasises that the Paris MOU was born out of the attempts in the 1970s to secure effective enforcement of the key measures governing seafarers' living and working conditions — the International Labour Organisation conventions 147 and 180. But in response to the 1978 Amoco Cadiz tanker disaster, the focus soon switched to structural and operational safety — and, fuelled by further acci-

As the Paris MOU prepared for an inspection campaign of hours of work and rest, the organisation's leader Richard Schiferli spoke to **ANDREW LININGTON** about port state control, MLC, the human factor and an inspector's intuition...

dents like the Prestige and Erika — it continued to concentrate on SOLAS and MARPOL.

Now, some three decades later, Mr Schiferli says it is appropriate to put the spotlight back onto the way ships are crewed. And the Paris MOU is kicking this off later this year with a three-month concentrated inspection campaign to check compliance with the STCW Convention rules on watchkeepers' hours of work and rest.

However, this is not a sudden shift of emphasis, Mr Schiferli says. The Paris MOU had already become the first to address operational drills — even though there had been scepticism about the ability to do this during inspections. 'When I started, port state control was all about the hardware,' he recalls. 'If something is corroded, you can spot the rust. But if a crew member doesn't understand how to operate a lifeboat in an emergency, it's a very different concept.'

The shift to 'human' issues is just part of a radical transformation of port state control philosophies and practices in recent years, Mr Schiferli contends. 'We used to get a lot of criticism from the industry, and the new inspection regime that we introduced in 2011 is based on criteria which are much more based on ship risk profiles,' he explains.

The previous system — in which port state authorities had to check at least 25% of visiting vessels — has been replaced by a system in which ships judged to be of greater risk because of factors such as age, flag, class or type undergo expanded inspections, while those fitting the profile of quality tonnage can go for up to three years without being checked.

'It is fair to say that it had started to become inspecting for numbers and that a lot of good ships were being inspected again and again,' Mr Schiferli admits. 'So we did

away with the numbers and started focussing on what that really needed attention.'

Mr Schiferli says the MLC will give inspectors a better framework in which to conduct the difficult work of checking seafarers' conditions. 'It states that a valid certificate of compliance is evidence that the ship is in order,' he points out. 'However, the Paris MOU experience with SOLAS certificates is different and inspectors have a lot of unsafe ships with certificates that are so old they could use them as a picture on the wall.'

→ Inspectors can already make a pretty good assessment of a ship's state when they look at the galleys, storage rooms and accommodation areas. But it can be harder to get to the bottom of rest periods — especially if the record books are kept properly.

'Most inspectors have served at sea, so they know a sort of thing that goes on onboard ships that isn't in the records that can be kept,' Mr Schiferli says. 'The officer has to look at the system and try to determine if the master has to satisfy them that things are as they say.'

He says the impact of the MLC was evident from the first months of it coming into force in August last year. 'I am confident that its benefits will be felt by seafarers more once it takes full effect in the countries that have ratified it in the first wave of ratifications.'

'We have been very supportive of the MLC from the beginning and worked closely with the UK's Department of Labour Office on its development,' he adds. 'We've put a lot of effort into enforcement. If they want to do a good job, they need the right tools. We've set up a special task force to produce particular

## PSC through the decades

Port state control (PSC) has its roots in the Netherlands and originated from an initiative developed by the Dutch ministry of transport which resulted in the 1978 'Hague Memorandum' — an agreement by eight European nations on the enforcement of International Labour Organisation standards for shipboard living and working conditions.

Events — in the shape of the Amoco Cadiz tanker disaster off the coast of France in March 1978 — overtook the agreement, however. The outcry over the oil spill from the grounded tanker prompted political pressure for much stricter controls over shipping safety and saw the Hague Memorandum replaced by the 1982 Paris Memorandum of Understanding, which was extended to cover the enforcement of rules governing the safety of life at sea and the prevention of pollution by ships.

Originally agreed by 14 European countries, the MoU came into force on 1 July 1982. Since then, its membership has grown to 27 nations — including not just European Union member states, but also Russia, Norway, Iceland and Canada.

The Paris MoU represented the first attempt to develop a coordinated and harmonised programme of putting into practice the pre-existing powers of maritime authorities to conduct port state control inspections under the terms of such conventions as SOLAS, MARPOL, STCW and Load Lines.

## Concentrated inspection campaigns

The PSC authorities usually conduct one concentrated inspection campaign (CIC) every year — targeting an area of concern that is usually selected in response to a high number of detention and deficiency results or the introduction of new regulations and requirements for shipping.

Subjects are chosen by the advisory board and are planned on a long-term basis. A technical evaluation is carried out to develop guidance for inspectors and special surveys to address important items.

Last year was one in which two CICs were carried out: one on propulsion and auxiliary equipment and the other on passenger safety. The cruiseship campaign was prompted by concerns raised by the Costa Concordia accident and preliminary results are due soon.

'It was very important for us to look at operational safety on passenger ships after Costa Concordia,' Mr Schiferli says. 'The data is being analysed now and the first signs are encouraging. We hope to have some good news — but it always has to be bad!'



**HEALTH AND SAFETY**

# rights workplace

on  
d  
control,

ng on the ships

ectors a much  
inherently dif-  
ficult. The MLC  
is prima facie  
clear. 'How-  
ever, and other cer-  
tificates come across  
beautiful you

ly good assess-  
ment at things like  
accommodation, he  
form of work and  
conditions are not being

they know the  
and the dou-  
bts. 'The PSC  
detect errors and  
be in order.'

ent within six  
months last year and he  
seafarers even  
said that were not

MLC right from  
the International  
Labour Office. 'We have also  
inspected inspectors are  
not and we had a  
guidelines for

## ted s

concentrated  
on getting an  
analysis  
of new

are usually  
in a group will  
forms to

ed out —  
the other  
is reflected  
and the

onal safety on  
li explains.  
are very  
— it doesn't

port state control officers and spent a lot of resources on training.'

The MOU runs a special four-day course for inspectors, which includes expert training on human element issues, addresses areas such as STCW and ISM, and covers inter-cultural communications to help them in their dealings with shipmasters and seafarers from different countries.

'The skillset of an inspector today is completely different from what it was 20 years ago,' Mr Schiferli points out. 'It used to be reasonably straightforward and simple, and not only was there hardly any MARPOL then, but there was no ISM and no ISPS.'

Seafaring expertise is still an essential part of the job, he believes. 'A good inspector will be able to walk up the gangway and be 80% sure when they step onto the deck whether it is a good or a bad ship. If you have been at sea, you have that kind of intuition,' he adds. 'For a standard inspection, you may not need a master's or chief engineer's ticket, but if it gets difficult, complex or technical, people with high level experience can address the situation much better.'

However, Mr Schiferli recognises the increasing pressure of recruiting suitably qualified personnel. 'Everybody is fishing in an increasingly smaller pond and in many MOU member states there are many fewer seafarers than there used to be,' he reflects.

There's also the problem of austerity-driven public spending restrictions in many member states, which have not only put pressure on the number of inspector jobs but also the pay and conditions packages offered to them.

For the future, Mr Schiferli suggests that while safety standards have improved, there is no room for complacency. He believes the inspection/detention rate has 'stabilised' at around 3.5% and he doesn't see it going dramatically lower than that. 'Overall, the industry is now pretty good and most owners are very responsible — but there is an element that does not care about responsibility and is only interested in money. Those are the ones that we will always be chasing,' he adds.

While it might be nice to have the aviation approach of grounding entire fleets that are found to breach standards, Mr Schiferli says it is much harder to take broad brush action against substandard owners — especially as many vessels are operated through one-ship companies.

However, he adds, the banning powers introduced in 2007 for repeat offenders have been a big success — 'we often see ships that have been banned going off to be scrapped' — and the Paris MOU works with its counterparts in other regions to try to prevent such vessels from continuing their operations in different areas.

Global cooperation between the various PSC authorities is at an all-time high, Mr Schiferli says, and it is enhanced by systematic exchanges of information and training programmes that seek to support technical expertise and common standards.

Port state control has also moved into the superyacht sector, matching the dramatic increase in the size and sophistication of such vessels and the regulatory requirements they have become subject to. 'We had never had a dialogue with this sector before, and they misunderstood what PSC is all about,' Mr Schiferli explains. 'International conventions require you to do certain things, but once we had some meetings to discuss their concerns we were able to deliver guidelines that make it clear for the industry when yachts are subject to PSC and when they are not. The dialogue is continuing, but I think they are much happier now.'

While he does not entirely support the idea that shipping faces a regulatory 'tsunami', Mr Schiferli says the constant introduction of new rules and requirements means inspectors can never rest on their laurels and regular refresher training and updating is essential.

'There's lots to do in this job,' he reflects. 'If I thought that our work was finished, I would have done something else a long time ago.'



## Richard Schiferli — a life devoted to the sea

The seeds of a seafaring career were sown when Mr Schiferli was a child; the son of a Dutch Navy officer. 'We moved around a lot and he was based in Curacao in the Netherlands Antilles for four years,' he recalls. 'In those days, the officers had the choice of returning home by plane or by ship, and I had my first experience of the sea at six or seven when we left from New York on the Holland America Line ship Nieuw Amsterdam.'

After studying at the Dutch merchant navy academy in Den Helder, Mr Schiferli joined Holland America Line as an apprentice in 1973 — initially

serving on ro-ro containerships, but switching to the company's passenger ships in part to satisfy his love of celestial navigation.

He gained his master's certificate in 1982, but decided to come ashore a couple of years later as the company's fleet reductions narrowed promotion prospects and career opportunities. Starting as a marine surveyor with the Dutch shipping inspectorate, he moved into shipping policy work for a few years before deciding that he wanted more than driving a desk five days a week.

'In 1989, I saw an opening at the Paris MOU,

which was very small in those days, and joined as deputy secretary,' Mr Schiferli recalls. 'When I started, there were just two full time and one part-time members of staff — now we are eight — and the membership has grown from 14 countries to 27.'

He says he loved his time at sea — which also resulted in his marriage — but is well aware of the sweeping changes since he came ashore. 'I was lucky to sail in a period where we had time in port and didn't have to put up with so many restrictions. It was a nice time in the 70s and 80s, and it is much harder now,' he adds.



Picture: Kim Rasmussen

## MLC works, say Danish unions

Danish seafaring unions have welcomed a banning order on a Greek-owned cargoship which has failed a second port state control inspection within the space of 36 months.

The CO-Sea confederation of unions said the 1,856gt Moldovan-flagged Mermaid had been issued with the three-month bar from EU ports after it was found to be in breach of the Maritime Labour Convention (MLC).

Failure to issue proper contracts for the crew and

a lack of procedures for handling onboard complaints by crew members resulted in the latest detention, in the Danish port of Aabenraa last month, the unions said.

The ship had been detained in Germany for seven days last July after an inspection revealed 16 deficiencies, including problems with charts, the safe manning document, and machinery and safety equipment.

CO-Sea chairman Ole Philipsen said he was

pleased to see the results of the Danish Maritime Authority's focus on the MLC during port state inspections, but said he was concerned that some of the problems had not been detected when the Mermaid was inspected in the Netherlands in the previous week. 'The Danish Maritime Authority deserves praise for focusing on MLC,' he added. 'In this case you get both visible and tangible consequences for the owner where conditions are not right for the crew. This confirms again that the MLC works.'