

# Designing Effective OSH Policies for the Shipboard Work Environment

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## ABSTRACT

This review article is based on research into labour standards for seafarers to participate in OSH management on board merchant ships. It specifically addresses standards for seafarers' representative participation and consultation as a viable mechanism which can assist in improving working conditions on board ships. However, some challenges have been identified with these standards. The article discusses the gaps in designing such standards for representative participation and the challenges surrounding its effective implementation and practice. In concluding, the article notes that for representative participation on ships to be effective, consideration should be given to the nature and organization of work on ships and other factors such as the size of the ship, management commitment, the involvement of organized labour, and an effective inspection regime.

**Keywords:** Labour standards; Maritime labour convention; Merchant shipping; Occupational safety and health; Representative participation; Safety representation; Seafarers' safety and health

## INTRODUCTION

In response to a number of accidents at sea, the international shipping industry developed conventions and codes to address human factors in safety at sea [1]. The vision of the industry is to develop a safety culture among the various stakeholders through an effective regulatory framework. This is expected to translate into a more safety conscious industry [2]. According to the shipping industry narrative, over 80% of accidents at sea are attributed to humans or human related factors. Human factors, the narrative goes on, were previously neglected for the more technical areas of shipping. However, the regulatory framework that was put in place was evaluated and found to have many gaps and therefore did not impact a safety culture as envisaged. As such developing a safety culture remains a challenge for the international shipping industry.

An important gap identified in the pursuit of a safety culture, is the effective participation of those who work on ships. Research has shown that due to the nature and organization of work, the policies in place for better management of safety and health (OSH), including seafarers' participation, are being undermined [3,4]. In particular, building a safety culture depends on a transparent and a just culture which allow workers to effectively participate. However, there is reluctance among many seafarers to participate by speaking out on OSH matters due to fear of blame and reprisals from their employers [3].

The Maritime Labour Convention 2006 (MLC) was developed by

the International Labour Organization (ILO) to address what it described as a 'deficit in decent work' on ships. This conclusion was arrived at from various studies into the living and working conditions at sea. One such key study was by the International Commission on Shipping titled 'Ships, Slaves and Competition.' Also, work by Alderton, et al. indicated that seafarers' working and living conditions severely impacted their welfare which can increase safety risks on board [5].

The MLC was therefore developed as the seafarers' 'Bill of Rights' which consolidated the various ILO maritime labour conventions into one 'super' convention. It contains minimum labour and social standards for the seafaring workforce. The MLC became known as the '4th Pillar' in the regulatory regime for safe, secure and clean shipping, with the other three pillars being conventions of the International Maritime Organization (IMO) that deal with safety of life, maritime education and training and marine environmental pollution prevention. A major achievement of the MLC was to institutionalize representative participation for the global seafaring workforce.

The MLC foregrounds the labour and social aspects of work in the merchant fleet and provides for seafarers to have a say in OSH management. Title 4, Standard A4.3, paragraphs 1c and 2d of the MLC, mandates that seafarers' safety representatives are to be elected or appointed, and they are to be integral members of the on board OSH committees.

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The MLC's provisions for representative participation on ships are not new. Traditional maritime states such as the United Kingdom (UK) have had provisions since the 1960s for ships' crews to select their representatives on OSH and other workplace matters [6]. The ILO also had provisions for seafarers' representative participation in its Prevention of Accidents (Seafarers) Convention, 1970 (No.134). However, changing business practices fuelled by economic globalisation led to a weakening of these institutions for seafarers [5,7].

On this basis, this article discusses research on how the shipping industry went about institutionalizing representative participation for the global seafaring workforce. It discusses the standards in the MLC and what measures were put in place for the effective functioning of representative participation. To date, this research appears to be the only empirical research that foregrounds representative participation and the Maritime Labour Convention 2006 [8].

## LITERATURE REVIEW

Research has long established the important role that workers' participation and consultation in OSH plays in ensuring positive outcomes for workers and businesses. Representative participation is a workplace mechanism with statutory support, seen predominantly in advanced market economies, that allows workers to participate in OSH management [9].

Representative participation has been shown to be an important workplace mechanism for effective OSH management [10,11]. When workers effectively participate through their elected safety representatives, there are less reports of injuries, loss of work time and overall better OSH management. Recent studies into OSH and the COVID-19 pandemic show that where sound OSH mechanisms that allow workers to participate existed prior to the pandemic, the workplace response to the pandemic was proactive and activities to safeguard workers and allow for businesses continuity produced positive results [7,12]. It was also shown that safety representatives played an important role in managing the pandemic and assisted in the efforts to protect workers safety and health [12].

A number of conditions support effective representative participation. In the main, laws and policies provide workers with rights to elect their representatives and for the representatives to carry out their duties without discrimination from management. Laws and policies also lay down the responsibilities of employers to support representative participation and make provisions for external support in the form of state inspection mechanisms [9]. This is the mechanism found in the MLC [13].

Institutions of organized labour (in particular trade unions), along with management commitment to participatory practices are also important. Workers are supported by their trade unions to understand and exercise their representative rights. Trade unions train representatives in their roles and responsibilities and labour relations. Management commitment ensures representatives have the resources and time to carry out their duties. It is a demonstration that management is serious about workers having a say in OSH. They listen to workers through their representatives and provide feedback and timely information in a consultative atmosphere [9].

These enabling conditions (statutory provisions, an inspection

regime, management commitment and institutions of organized labour) have been found in the research into land-based enterprises, to support the effective functioning of representative participation. These conditions also contribute to better OSH management policies and practices and overall better OSH outcomes for workers [13].

The research into representative participation in the shipboard work environment is limited. However, the few studies that exist on seafarers' participation, point to a need for a more effective participatory system [13].

This research was therefore important to fill a longstanding gap in the literature on seafarers' participation and the regulatory regime supporting this participation. The MLC is therefore a welcomed and needed set of labour standards which fills the labour and social regulatory gap left by the more technical approaches of the IMO conventions. Nevertheless, early analyses of the standards in the MLC, pointed to some shortcomings in the provisions to enable seafarers to fully participate in the rights outlined therein [14]. The weakest provisions appear to be those for seafarers to have a say in what goes on in the shipboard work environment.

## DISCUSSION

The main research behind the discussion in this article, examined key ILO meeting papers from 2000 to 2006 documenting the development of the MLC. The research also examined submissions to and deliberations within sub-committees that contributed to the main meetings. Persons at the international level actively involved in these meetings were also interviewed, as well as inspectors and administrators at the national level from a key maritime state. A relatively small number of seafarers calling at a port in the UK were also interviewed [13]. At the international level, a major outcome of the research is that in designing these standards for seafarers' representation and consultation on OSH, the architects of the MLC relied on customary practices of the ILO to include representative participation in its conventions. This is based on the ILO's institutional arrangements for tripartism. It appears therefore that representative participation was not given much consideration by those who designed the MLC. The meeting papers revealed a gap in the deliberations as to how representative participation might be used to contribute to better OSH management on board and what supports were needed for it to be effective.

The expectation for the implementation and practice of participation and consultation, as reported by those who designed the convention, was that ship-owners and managers would see the benefits of allowing seafarers to participate. In particular those interviewed were of the perception that the business case for OSH management would be a main driver for their commitment to representative participation. As such, the standards were not well developed with provisions to ensure management commitment and workers that were organized. In this regard, the standards did not provide the statutory support for all the other conditions. While more detailed guidelines are given in the OSH policies and other documents (for example, the Maritime Occupational Safety and Health (MOSH) Guidelines 2014 and the Code of Practice on Accident Prevention on Board Ship at Sea and in Port, 1996), these guidelines are not mandatory.

At the national level, the research also found that the

implementation of the standards relied on the existing land-based provisions for representation and consultation that were extended to the merchant marine. In its practice at the shipboard level, the research found that representative participation and consultation were underdeveloped and made redundant, as all seafarers on board were considered members of the OSH committees. However, when asked about their participation in committee meetings, it emerged that the practice of representation and consultation were not at the level to make much impact on safety and health practices on board [8].

A key finding which substantiates the analysis that representative participation is underdeveloped in on board OSH management, is the skewed focus on safety and the individualization of health matters. Seafarers interviewed reported much attention to safety and seemed to believe that they are singularly responsible for their health. Other studies have also found this perception of an individual responsibility for health among seafarers [15].

Other challenges were also found in terms of the model of representation and consultation institutionalized in the MLC. Firstly, the land-based model adopted served well if the organization is large and the other conditions mentioned above (management commitment, trade unions and an inspection regime), are in place. Apart from the large cruise vessels, the nature of merchant ships is akin to small enterprises that are challenged in establishing effective representative participation and consultation [16].

Secondly, the organization of work for seafarers on a contractual basis, and being a transnational workforce, make it challenging to develop the kind of camaraderie necessary for the model of representative participation where workers elect their representatives.

Thirdly, while seafarers might belong to national unions, their activities do not extend to the shipboard work environment. Like land-based enterprises, ship-owners have to recognize unions for them to be actively involved on board. This point also goes along with the size of the ships and the nature of their trade. In the research, large passenger vessels were reported as more likely to be able to establish the model of representative participation seen in the MLC. As such, seafarers do not have the direct assistance of their trade unions in exercising their rights to have representatives who speak on their behalf [8]. Other research shows that a collective approach is more effective in situations of unequal power relations [17]. The individual approach taken on board ships, serve to make representative participation less effective as many seafarers are inclined to remain silent. Studies have found this reluctance of many seafarers to speak out and report OSH matters [3,4].

Lastly, the inspection of labour standards on ships is also challenging. Inspectors rely on the reports of seafarers to determine if the ship is in compliance with the labour standards. While some of the standards can be determined physically, much of the activities that take place at sea, have to be reported by the seafarers. The inspectors interviewed for the research, reported that generally, seafarers are reluctant to speak to authority figures. This is a challenge for inspectors to get accurate information on seafarers' working conditions. Seafarers are fearful as individually they have less power in the workplace than management and fear reprisals if they speak out or report breaches to the authorities [8].

In order for representative participation to be effectively practiced on ships, it should begin with strong regulations to enable the other conditions for effective participation. It is the practice for international conventions to be developed with the minimum standards in order to achieve wide ratification. However, the shipping industry should attempt to push for more enabling and better designed standards in this regard as research, and the ongoing COVID-19 pandemic, have shown that the safety and health standards are currently limited in their capacity to protect seafarers' OSH.

Already there are models that the industry could draw on to design better standards for representative participation that have been successful in small enterprises. In Sweden for example, a model of regional safety representatives exists that may be adapted for shipping. In this instance, the industry could draw on the International Transport Workers Federation (ITF) global network of inspectors already trained in labour standard inspections to act as regional safety representatives. Deliberate efforts could be made to strengthen this network so that support becomes more regular and takes place in the work environment [8].

National unions could also be strengthened to operate as regional safety representatives and work along with regional port state control regimes. Already these regional memoranda of understanding on port state control exist in strategic parts of the world.

The industry should also consider strengthening provisions for seafarers to stop working in dangerous situations. Such provisions are found in the guidelines and are left up to national requirements. Even where they exist such as in the UK, they are found to be weak [13]. The COVID-19 pandemic has vividly shown the industry that seafarers need enabling statutory provisions to support them in protecting their OSH. While the ITF called for seafarers to 'stop dangerous work' in order to bring attention to the crew change crisis of 2020, this was not successful, as seafarers lacked the necessary workplace support.

Although some jurisdictions do not have representative participation in their national industrial relations systems, ratifying the MLC places an obligation on such States to make provisions for seafarers to participate. OSH management is one of the areas for inspection in ports and under the 'no more favourable treatment' clause in the MLC, a ship may be at least cited for non-conformity, if it does not have arrangements for seafarers' participation. The problem this research found is firstly in the design of the standards for representative participation in the MLC and further, the on board practices due to the nature and organization of work and the absence of the supports discussed.

## CONCLUSION

This article discusses research carried out to explore and examine provisions for seafarers to participate in OSH on board merchant ships. This is an important topic as seafaring work is dangerous and the living and working conditions on board are deficient in many regards. In recognition of this 'deficit in decent work,' the international shipping industry developed the Maritime Labour Convention 2006, to address the gaps in labour and social standards. An important standard is for seafarers to participate in OSH management through the election or appointment of safety representatives.

The article argues that safety representatives can contribute to positive OSH management providing they are supported by strong regulations along with management that is committed to participation, organized labour (in particular trade unions) and an inspection regime.

In examining the MLC standards, the research found that they need to be strengthened to provide the enabling conditions for seafarers to effectively participate. The study found that the nature and organization of work on board do not support the model of representation found in the MLC and points to ways in which these standards might be strengthened.

While the research methodology did not allow generalization, it pointed to important gaps in the regulatory regime for effective OSH management. Future research into how the nature and organization of work and the size of the ships impact how safety and health is managed on board is necessary.

An important gap in the literature is on seafarers' willingness to speak out on OSH and other violations on ships. This is a critical area for future research to understand the phenomena and devise ways to encourage seafarers to participate. The collective approach suggested in this article would assist to some degree, as it takes the attention away from the individual seafarer. One of the important features designed into the MLC, is for its continuous review. Therefore, the opportunity exists for these matters to be considered and addressed by the international shipping industry.

## CONFLICT OF INTEREST

The author declares that she has no conflict of interest.

## REFERENCES

1. Anderson P. Cracking the code: The relevance of the ism code and its impact on shipping practices. London: The Nautical Institute, United Kingdom. 2003.
2. Graham C. The role of an education in the behavioral sciences towards contributing to the safety culture of the maritime industry. Masters Dissertation. 2008;1:1-10.
3. Bhattacharya S. Sociological factors influencing the practice of incident reporting: The case of the shipping industry. *Empl Relat.* 2012;34(1): 4-21.
4. Xue C, Tang L, Walters D. Who is dominant? Occupational health and safety management in Chinese shipping. *J Ind Relat.* 2017;59(1):65-84.
5. Alderton T, Winchester N. Globalization and de-regulation in the maritime industry. *Mar Policy.* 2002;26:35-43.
6. Walters D, Bailey N. Lives in peril: profit or safety in the global maritime industry? Hampshire: Palgrave Macmillan, United Kingdom, 2013.
7. International Labour Organization. COVID-19 and occupational safety and health in the coffee global supply chain in colombia. 2021.
8. Graham C, Walters D. Representation of seafarers' occupational safety and health: Limits of the Maritime Labour Convention. *Econ Labour Relat Rev.* 2021;32(2):266-282.
9. Walters D, Nichols T. Worker representation and workplace health and safety. Basingstoke: Palgrave Macmillan, United Kingdom, 2007.
10. Walters D, Johnstone R, Quinlan M, Wadsworth E. Safeguarding workers: A study of health and safety representatives in the Queensland coalmining industry, 1990-2013. *Relat Industrielles.* 2016;71(3):418-441.
11. Walters D, Quinlan M, Johnstone R, Wadsworth E. Representing miners in arrangements for health and safety in coalmines: A study of current practice. *Econ Ind Democr.* 2016;40(4):1-21.
12. UNITE the UNION. Working through COVID: A report of a survey of Unite Workplace Representatives. 2021.
13. Graham C. Developing labour standards for representation on ships. *MLC Saf Representatives OHS Manag.* 2018;1:2-12.
14. Bauer PJ. The maritime labour convention: an adequate guarantee of seafarer rights, or an impediment to true reforms? *Chicago J Int Law.* 2008;8(2):643-659.
15. Acejo I, Sampson H, Turgo, N, Wadsworth E. The health and self-medication practices of seafarers. *SIRC Symp.* 2011;1:4-139.
16. David W, Jane EW. Contexts and arrangements for occupational safety and health in micro and small enterprises in the EU-SESAME project. Luxembourg: Publications Office of the European Union. 2016.
17. Lewchuk W. The limits of voice: Are workers afraid to express their health and safety rights? *Osgoode Hall Law J.* 2013;50(4):789-812.