



## **Maritime and Costguard Agency's Proposals for revised Merchant Shipping (Medical Certification) Regulations and Medical Fitness Standards for Seafarers**

### **Introduction**

Unite the Union is the UK's largest trade union with 2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport and local government, food, agriculture, education, health and not for profit sectors and of particular relevance to this consultation the docks, rail, ferries and waterways sectors.

The docks, rail, ferries and waterways sector has just under 19,000 members and is continuing to grow. Most port-based or coastal maritime activity, as well as the British Waterways canals, are all organised by Unite which by virtue of its dominance in this sector is actually the biggest maritime union in British waters, uniting masters and ratings. Unite has members who are tug boat operatives and masters in companies like Svitzer. Unite also organises ferries in Scotland, Liverpool and Southampton, dredging companies and a host of port related maritime activity.

Therefore Unite welcomes the opportunity to comment on the Maritime and Costguard Agency's proposals for revised merchant shipping (medical certification) regulations and medical fitness standards for seafarers.

## **Part A**

**6.1 Definition of medical practitioner (Reg 2)** – Unite welcomes the inclusion of a definition of a medical practitioner and accepts there is a need for the “duly qualified and registered medical practitioners” wording to make sure that the health and safety of seafarers is protected at all times.

**6.2 Prohibition on working on a seagoing ship without a medical certificate (Reg 6)** – Unite believes that the duty should 100% remain with the employer at all times. Therefore Unite is alarmed to see a proposal of a corresponding duty being placed on the seafarer, as well as potential new sanctions against the seafarer. Unite believes it should not be the responsibility of the seafarer and believes a twin tracked approach could also be dangerous due to lack of clarity.

**6.3 Expiry of a certificate during a voyage (Reg 7(2))** – Unite supports the flexibility given which allows a seafarer to work on board for no more than 3 months, provided that the seafarer obtains a new certificate at the first port of call.

**6.4 Permission to work without a valid medical certificate in urgent cases (Reg 7(3))** – Unite believes that within 1 month is acceptable. However flexibility should be shown, with longer periods being granted in urgent cases and for consistency with (Reg 7(2)), which is no more than 3 months.

Unite does have issue with the stipulation that the expired certificate must have been valid for 2 years in the additional proposal. This would prevent certificates that are less than 2 years from receiving this flexibility that they should be entitled to.

**6.5 Medical certificates to be in English (Reg 11(3))** – Unite is supportive of the proposal that medical certificates should be written in English for health and safety reasons. Where the Welsh Language Act stipulates it should be in Welsh, then it should be written in English and Welsh.

## **Part B**

**7.1 Recognition of alternative medical certificates for small vessels (Reg 10)** – Unite accepts the proposals to allow recognition of alternative medical certificates for small vessels. Unite is not convinced in practice that this will make much difference because the medical certificates for small vessels are already in place but it will help provide a more consistent approach across the board in this area which is a positive move.

**7.2 Provision for conditions on medical certificates (Reg 8(3))** – Unite has concerns about establishing a “condition” in writing that a seafarer would have no right of appeal to on a medical certificate. Unite believes that it is a private and confidential matter of concern between the doctor and seafarer for them to discuss and should not be formally put down in writing.

**7.3 Reporting of medical conditions (Reg 12)** – Unite believes that seafarers have a responsibility to notify an approved doctor of any change to their medical condition that they have noticed. However Unite is uneasy about the proposal putting too much emphasis on the seafarer, placing them in a potentially vulnerable position. Seafarers won’t always be able to detect a change in their own medical condition, that’s why they need the expertise of an approved doctor in the first place. So Unite is weary of making it an offence for which seafarers would be punished. Therefore Unite does not believe that this duty should be made explicit in these regulations and believe that the proposed sanction would not be appropriate because it is based on an assumption that a seafarer would know, which would clearly be a matter for debate in some situations.

**7.4 Reporting absences from work of 30 days or more (Reg 12)** – Unite believes that its right to report absences from work of 30 days or more but do not believe this should be a legal duty put on seafarers. Again Unite is concerned about a proposal putting too much emphasis on the seafarer, placing them in a potentially vulnerable position.

**7.5 Recovery of MCA's costs for cancelled appointments with medical referees (Reg 14(8))** – Unite would like to see a breakdown of how frequent this has been happening and how much this has been costing the MCA to get a better understanding of the extent of the problem. Unite believes that the majority of seafarers would only cancel at short notice due to a valid reason and wouldn't want to see the chance of appeal reduced if unnecessary.

**7.6 Issue of replacement certificates (Reg 17)** – Unites main issue with this is the potential cost for a replacement medical certificate. Unite would not want seafarers having to pay excessive amounts for what is a replacement medical certificate. Unite believe a small administrative fee would be sufficient.

### **Part C**

Unite is supportive of the changes that have been made to the MCA Medical Fitness Standards for Seafarers.

Brendan Gold

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**National Secretary – Docks & Waterways**

Unite the Union

**For clarifications and more information please contact:**

John Neal

**Researcher**

Unite the Union

128 Theobald's Road, Holborn, London, WC1X 8TN

Tel: +44 (0)207 611 2633

Fax: +44 (0)207 611 2746

Email: [John.Neal@unitetheunion.org](mailto:John.Neal@unitetheunion.org)

Internet: <http://www.unitetheunion.org.uk/>