

Engineering Circular No. 43

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Sub: Guidance notes to the Shipping Companies on the role of the Designated Person, importance of Training and concept of SMS Apex manual with respect to ISM Code

PURPOSE:

The guidance notes are for the reference for the purpose of certification into the ISM Code.

DESCRIPTION:

This Directorate has observed / noticed from the ISM manuals that the role of the Designated Person, importance of Training and concept of Apex Safety Management System manual has not been clearly understood especially by the newly emerging shipping companies. In order to provide guidance and the requirements on the above mentioned subject, the following may be referred for guidance.

1. *THE "DESIGNATED PERSON"*

The code's mandatory requirements of the designated person responsible for the implementation and maintenance of the SMS becomes a main stay in the implementation of

the ISM Code.

Section - 4 of the ISM Code provides that to ensure the safe operation of each ship and to provide a link between the Company and those on board, every Company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and the authority of the designated person or persons should include monitoring the safety and pollution prevention aspects of the operation of each ship and ensuring that adequate resources and shore base supports are applied as required.

This provision of the Code indicates clearly that the mission of this person has four components.

The designated person has to collect information concerning the SMS of the Company

Discuss with all the personnel concerned.

Monitor the operation of each ship as far as pollution and safety are concerned.

In the event of deficiency, the designated person shall not only have direct access to the highest level of management to seek guidance but by virtue of section - 4, he shall also be vested of all the required resources.

The choice of the designated person and his competency are fundamental for the success of the implementation of the Code. This is the reason that the Company will have to select a person who have shipboard experience as chief engineer officer or master who can gain the respect of the personnel at sea. This designated person should also have a good knowledge of how the Company works and should be aware of his responsibility to satisfactorily deal with reporting of casualty, near misses, non-conformities, hazardous occurrences. etc. Also, the Company is required to give full support and co-operation of all the shore staff / ship staff to the designated person in order to carry out the objectives of the Code.

The main role of the designated person is preventing accidents for safe operation of ships and prevention of pollution and to carry out analysis of any accident to see whether the act of the owner or act of the person or any omission or any other intention to cause such accident , or having the knowledge that such accident would probably result so that

preventive action is immediately taken to avoid the recurrence of such accident.

In view of the above responsibility any fault of the designated person in the implementation and maintenance of the SMS, could therefore have legal consequences as it could make the owner loose his right to limit his liability.

Hence, the company must give utmost importance in the appointment of the dedicated designated person for the effective implementation of the ISM code.

2. THE TRAINING OF THE PERSONNEL

Most of the marine accidents (nearly 90%) is due to human error and are linked to management failures. Therefore, the focus is made on the human factor. Education and training are vital resources for the organization and the individual in addition to the ISM Code requirements of objectives and policies, procedures and systems, instructions and auditing techniques, motivation skills and appraisal skills and problem solving. Since, the far bigger tasks for the companies are training of seafarers, this obviously require substantial effort, dedication and expenses. This is probably the one single factor which is more critical in the success or failure of the implementation of the Code.

3. SMS APEX Manual:

After developing the Safety Management System , the Company must establish their establishment in accordance with MS notice 28 / 2003 and submit the SMS Apex document to the D.G. Shipping for scrutiny. The apex SMS document must address all the elements of the ISM Code and must have cross reference to their other SMS documents, if any. If the company wishes to cover all the requirement of the ISM Code in their Apex Safety Management System manual and dispense in having separate procedures for the operation and maintenance, they may do so and declare as such in the manual. In case, the company wishes to have a separate document as Apex Safety Management System Manual and make cross reference to their other individual SMS manual, they may also do so. This document should minimum cover 1) Identification of ship types 2) The company's organization structure 3) Responsibility and authority of designated person, Master and all personnel ashore and onboard 4) Master's overriding authority 5) the policy and objectives of the company and how they are achieved 6) detail description as to how all the clauses / elements of ISM Code are achieved. Here, the company may provide cross reference to all the operation / procedure manuals, if any with respect to achievement of the elements in

maintaining the safety management system.

Following should be addressed in detail:

Documented Company Safety and Environmental Policy and the importance of safety and its relationship to efficient ship operation.

Company Organisation structure illustrating the lines of communication and the responsibilities within the company and onboard the ship. Identification of the Designated Person and showing his direct access to the highest level of management and to the master.

Written statements of authority and responsibility and in particular for the master giving him overriding authority to make decisions with respect to safety and pollution prevention and to request the company's assistance as may be necessary.

Responsibilities of senior officers, duties of other officers, safety & security officer, petty officers and ratings. Master's and Chief Engineer Officers Standing Orders.

Fitness for duty: Fatigue, drug and alcohol policy.

Action to take if a key crew member, including the master, dies or becomes incapacitated.

Reporting procedures, including internal onboard, from the ship to the company and to others, such as for reporting casualties, accidents and dangerous incidents / hazardous occurrences.

Training: Means of identifying training needs, onboard training including drills and external training courses ashore.

Discipline: Application of Code of Conduct for the Merchant Navy, Company policy and grievance procedures.

Procedures for Document Control: How to keep the documents up to date and ways of suggesting improvements and amendments. The system should not be

considered as static but continually developing and improving.

Welfare of those onboard: Health, hygiene and safety (e.g. making reference to the Code of Safe Working Practice).

Medical arrangements: Designation of responsible officers, location and custody of medical equipment including First-Aid kits and Ships Medical Guide. Action in cases beyond the scope of shipboard treatment.

Notes

The information given is for guidance but ultimately it is the responsibility of the company to develop a system which best suits its needs and those of the ISM Code.

Reference should be made in appropriate places to Merchant Shipping Act, MS notices / circulars , IMO conventions, and Code of Safe Working Practice and other relevant Codes and documents.

Frequent crew changes may influence ship-board organisation. Where ships have multiple crews, masters must be fully conversant with one standard Safety Management System in a language understood by all and must be able to communicate to crew clearly and effectively.

The relevant Safety Management Documents should be available and accessible for all persons who may need to use them.

This issues with the approval of the Chief Surveyor with the Govt. of India.

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