



INFORMATION BULLETIN No. 148

Medical Care Onboard, Shipowner Liability and Social Security

Guidance and Instructions for Bahamas Recognised Organisations, Bahamas Approved Nautical Inspectors, Ship Owners, Managers, Masters, Seafarers, Recruitment & Placement Service and Duly Authorised Manning Agents

1. Purpose

- 1.1. This Bulletin provides all parties with guidance on the Bahamas' implementation of the International Labour Organisation (ILO) Maritime Labour Convention, 2006 (MLC 2006) requirements for:
- .1 medical care onboard;
 - .2 shipowner liability in relation to sickness, injury or death occurring in connection with the seafarer employment;
 - .3 social security.
- 1.2 This Bulletin should be read in conjunction with BMA Information Bulletins 127, 139, 142 and 145.

2. Application and interpretation

This applies to all Bahamian registered ships to which the MLC 2006 is applicable as determined by the BMA and outlined in BMA Information Bulletin 127.

3.1 Medical care measures

The Company shall document its procedures in relation to health protection and medical care, including essential dental care, for seafarers working onboard the ship.

3.2 Medical form

- 3.2.1 The medical form as provided in the Annex of IMO/ILO/WHO *International Medical Guide for Ships I* shall be used by the master and person designated to provide medical care or medical first aid. When completed the form and its contents must be kept confidential and must only be used to facilitate the treatment of seafarers.
- 3.2.2 The BMA may accept electronic forms being maintained for the purpose of 3.2.1 provided that the electronic system captures the same information and ensures confidentiality of the data. The system should be such that any changes are date/time stamped, recorded and made clear to the user.

3.3 Hospital

- 3.3.1 Ships carrying 15 or more persons and engaged in a voyage of more than three days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes.
- 3.3.2 Additional guidelines relating to the hospital is outlined in BMA Information Bulletin 139.

3.4 Medical chest, medical equipment and medical documents

- 3.4.1.1 All ships shall carry a medicine chest, medical equipment and a medical guide which must be maintained and inspected at intervals not exceeding twelve (12) months.
- 3.4.1.2 The inspection can be carried out by a person duly certified by the medical authorities of a country that is party of STCW or MLC 2006. If the person is a shipboard officer, the Company must be able to demonstrate the competency of the persons to undertake the required inspection of the onboard medicine and equipment.
- 3.4.1.3 The inspection must ensure that the labelling, expiry dates and conditions of storage of all medicines and directions for their use are checked and all equipment functioning as required.
- 3.4.2 The International Maritime Organisation (IMO)/ILO/World Health Organization (WHO) review of the international guidelines for medical stores remain under review and pending completion of this review, the medical chest and medical equipment shall be as specified in the IMO/ILO/WHO *International Medical Guide for Ships Edition 3*.

3.4.3.1.1 The medical guides that must be kept on board shall be the most recent edition of the:

- *International Medical Guide for Ships,*
- *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods,* and
- medical section of the *International Code of Signals.*

3.4.3.1.2 Ships, which have onboard a qualified medical practitioner, may in lieu of the documents specified in 3.4.1.1 above, carry appropriate medical reference publications.

3.4.3.2 Where a cargo, which is classified dangerous, has not been included in the most recent edition of the *Medical First Aid Guide for Use in Accidents Involving Dangerous Goods,* the Company shall ensure that the necessary information on the nature of the substances, the risks involved, the necessary personal protective devices, the relevant medical procedures and specific antidotes is made available to the Master and seafarers.

3.4.3.3 The antidotes and personal protective devices must be on board whenever dangerous goods are carried.

3.4.3.4 The information specified in Section 3.4.3.2 above must be integrated with the ship's policies and programmes on occupational safety and health.

3.4.3.5 All ships should carry a complete and up-to-date list of radio stations through which medical advice can be obtained. If the ship is equipped with a system of satellite communication, the ship should also carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained.

3.5 Medical Doctor and persons designated to provide medical care or medical first aid

3.5.1 Ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three (3) days' duration shall carry a qualified medical doctor who is responsible for providing medical care.

3.5.2.1 Ships, which do not carry a medical doctor shall be required to have either at least one designated seafarer on board who is in charge of medical care and administering medicine as part of their regular duties OR if the ship is ordinarily capable of reaching qualified medical care and medical facilities within eight (8) hours, the ship shall have at least one (1) seafarer on board competent to provide medical first aid.

3.5.2.2 Persons in charge of medical care on board who are not qualified medical doctors shall have satisfactorily completed training in medical care that meets the requirements of the Seafarers' Training, Certification and Watchkeeping Code (STCW Code). Seafarers designated to provide medical first aid shall have satisfactorily completed training in medical first aid that meets the requirements of the STCW Code. Seafarers with responsibility for medical care or medical first aid on board must be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals.

3.5.2.3 Persons referred to in 3.5.2.1 and 3.5.2.2 above and other seafarers with designated medical assigned tasks shall undergo, at intervals not exceeding five (5) years intervals, refresher courses or other appropriate training and or instructions to enable them to maintain and increase their knowledge and skills and to keep up- to-date with new developments. Documentary evidence of this training or instructions shall be maintained and the BMA may accept a valid STCW Certificate of Competency as documentary evidence.

4 Shipowner's liability in relation to the protection of the seafarer from the financial consequence of sickness, injury or death occurring in the connection of the seafarer employment

4.1 Shipowners shall be liable to:

- .1 bear the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates,
- .2 defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character. The liability of the shipowner to defray the expense of medical care and board and lodging may be limited to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness,
- .3 pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement. The burial expenses paid by the shipowner may be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased seafarer under laws or regulations relating to social insurance or workers' compensation.

4.2 The liability of the shipowner to pay wages in whole or in part in respect of a seafarer no longer on board is limited to a period which shall not be less than 16 weeks from the day of the injury or the commencement of the sickness.

- 4.3 The shipowner is exempted from liability to defray the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by the public authorities
- 4.4 Shipowner may cease to be liable to bear the costs of a sick or injured seafarer from the time at which that seafarer can claim medical benefits under a scheme of compulsory sickness insurance, compulsory accident insurance or workers' compensation for accidents.
- 4.5 The liability limitations and exemptions specified in Sections 4.1 – 4.4 does not prohibit the seafarers' employment agreement or any applicable collective bargaining agreement from limiting the shipowners' liability to more favourable conditions for the seafarers.
- 4.6 The insurance or financial security scheme shall take into consideration the guidelines contained in *IMO/ILO Guidelines on Shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers* and the guidelines outlined in this Bulletin and Merchant Shipping (Maritime Labour Convention) Regulations 2012 and in particular:
- 4.6.1 The functional criteria for insurance or financial security for claims should include, inter alia, that:
- .1 the contractual compensation, as provided by the contract of employment and without prejudice to (2) below, should be paid in full and without delay,
 - .2 the seafarer should receive payment without prejudice to other legal rights, but such payment may be offset against any damages resulting from any action in tort arising from the same incident,
 - .3 the seafarer should receive prior notification from the shipowner if the insurance is to be cancelled and be notified immediately if it is not to be renewed, and
 - .4 the insurance should provide for the payment of all eligible claims arising during the period for which the certificate is valid.
- 4.6.2 Shipowners should:
- .1 take steps, when a claim arises, for its prompt payment,
 - .2 ensure that all valid contractual claims should be paid in full. There should be no pressure, by their representative or by the representative of their insurers, for a payment less than the contractual amount or for a payment which in any way conflicts with these Guidelines. Where the nature of the personal injury makes it difficult for the shipowner to make a full payment of a claim, an interim payment should be made to the seafarer so as to avoid undue hardship,
 - .3 display on board contact details of the persons or entity designated by the shipowner with responsibility for handling claims,
 - .4 ensure that their ships have on board a certificate issued by the insurer or documentary evidence of the financial security,
 - .5 ensure that a certificate is provided indicating the period of cover of the insurance and the certificate should be posted in a prominent position in the seafarers' accommodation. Where more than one insurer provides cover for claims, certificate from each insurer is required.

- 4.6.3 As a minimum, the certificate of insurance or document of financial security should include:
- .1 name of the ship;
 - .2 port of registry of the ship;
 - .3 IMO number or call sign of the ship;
 - .4 name of the provider of the financial security;
 - .5 place of business of the provider of the financial security;
 - .6 name of the shipowner;
 - .7 period of validity of the financial security. The insurer's rules should make reference to the relevant areas required by MLC 2006

5. Social Security provisions

- 5.1 A shipowner who employs a seafarer, who is a citizen of The Bahamas or is ordinarily resident in The Bahamas, shall pay the employer contributions to the Bahamas social security in accordance with the National Insurance Act. The contribution maybe arranged through the Seafarer Employment Agreement (SEA) or collective bargaining agreement (CBA)
- 5.2.1 The Bahamas is a party to the CARICOM Social Security Agreement and accordingly, shipowners employing seafarers from Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, should note that the seafarer maybe liable to pay contribution to the social security system of that country and may request the shipowner to provide measures to enable such payment to be made.
- 5.3 Other than the seafarers noted in 5.1 above, the shipowner is not obligated to pay the social security for a seafarer but this does not prohibit the shipowner from entering into a seafarer employment agreement or any applicable collective bargaining agreement to make such payments.

Revision History

Rev.0 (31 August 2012)– First issue

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