



Maritime and Coastguard Agency

MGN 219 (M)

Seafarer Medical Examinations : Guidelines For Maritime Employers and Manning Agencies

Notice to Ship Owners, Ship Operators and Managers, Manning Agencies, Ship Masters and Seafarers

This Note should be read in conjunction with Merchant Shipping Notices MSN 1745 (M+F), MSN 1765(M) and MSN 1766(M)

Summary

The purpose of this Marine Guidance Note is to give guidance to maritime employers and manning/crewing agencies on the arrangements for provision of seafarer medical examinations, following the introduction of the Merchant Shipping (Medical Examination) Regulations 2002 on 30 June 2002.

1.0 Introduction

- 1.1 The Merchant Shipping (Medical Examination) Regulations 2002, which come into force on 30 June 2002, require anyone employed or engaged on a seagoing ship to have a medical certificate attesting to their fitness for the work for which they are employed.
- 1.2 Seafarer medical examinations are conducted by Approved Doctors, appointed by the Secretary of State. These are listed annually in a Merchant Shipping Notice (currently MSN 1766(M)) and a "live" list is available on MCA's website at www.mcga.gov.uk/publications/statutory-information
- 1.3 Further information on the medical examination system and details of the medical and eyesight standards are contained in Merchant Shipping Notice MSN 1765(M). The purpose of this Guidance Note is to explain the particular role of employers in relation to the seafarer medical examinations.

2.0 Summary of Changes

- 2.1 A UK seafarer medical certificate (or one from any other country which is recognised as equivalent) will be required for **all** seafarers (ie anyone employed or engaged in any capacity on board a seagoing ship). This is taken to mean anyone employed either directly by a shipping company or through a manning agency, whose **usual** place of work is on board a seagoing ship and includes any crew member, resident entertainer and franchise employee on passenger ships. Boatmaster's licence holders operating on seagoing passenger ships are also covered. MSN 1765 gives further details.
- 2.2 Under the new Regulations, seagoing ships are defined as those certified for navigation at sea.
- 2.3 The list of those countries whose medical certificates were accepted under the previous Regulations has been replaced by a list of countries whose medical certification system and standards have been assessed (as part of the ongoing STCW 95 recognition

process) as being equivalent to those of the UK. (Listed as Annex C to MSN 1766(M) and Annex A to MSN 1765(M) and also available on the MCA's website). Employers are therefore advised to check this list.

- 2.4 The maximum validity for a UK medical fitness certificate for all seafarers aged 18 or over, **will be 2 years**, to bring the UK into line with the international standard required by ILO (the International Labour Organisation) Convention 73. Seafarers under 18 will still require **annual** examinations.
- 2.5 Medical examination for those over 18 employed on chemical carriers will no longer be required annually.
- 2.6 Transitional arrangements will allow those holding certificates issued under the previous Regulations for 5 years to run for their full validity, except when medical conditions indicate otherwise.
- 2.7 Revised medical standards have been drawn up which will introduce greater flexibility, reflecting relative risk.
- 2.8 Supplementary testing which does not form part of the normal medical examination, eg audiometry, physical fitness, TB screening, immunisation advice and investigation of health problems which arise between medicals, may also be carried out at an Approved Doctor's discretion if it would assist the doctor in making a judgement on a seafarer's fitness for specific work the seafarer may undertake. A separate fee may be charged for these tests.
- 2.9 New entrant seafarers, as well as serving seafarers, will have the right of appeal in the event of failing or being issued with a restricted medical certificate.

3.0 Employer Responsibilities

- 3.1 It is the responsibility of the employer to ensure that any seafarer they employ has the appropriate medical fitness certification. Where a seafarer has a restricted medical certificate, the employer should take this into account in terms of the particular job for which the seafarer is employed.

- 3.2 **Fees** – The Regulations place the responsibility for meeting the cost of the medical examination on the employer; this applies whether the seafarer is employed directly by a shipping company or by a crewing or manning agency. The maximum fee which can be charged is set (usually annually) by the Merchant Shipping (Fees) Regulations and is currently £60.

- 3.3 **Examination arrangements** – The individual seafarer may make their own arrangements for a medical examination or a shipping company or manning agency may make arrangements with an Approved Doctor to provide a service for all their seafarers.

- 3.4 For those employing only a small number of seafarers, medical examination services may be arranged with an Approved Doctor on a fee-for-item-of-service basis, or by contracting with the Approved Doctor for a certain allocation of time. Companies employing larger numbers may consider it preferable to employ their own specialist adviser to conduct medicals for their own employees only. In such cases, companies may approach the Maritime and Coastguard Agency, at the address below, for approval of doctors. The advantage of such an arrangement is that the company medical advisers will be able to provide comprehensive support, for example advising on healthy working conditions on board ship and providing any additional medical services the company may require, such as advice on fitness between medicals. A company may have criteria for employment in addition to the statutory medical standards eg policies on drug and alcohol abuse. The company medical adviser can assist with their development and implementation.

- 3.5 There are important advantages in using the same Approved Doctor on a regular basis:

- they will become familiar with the particular type of business (such as ferries) and any special health risks that might arise;
- they will have previous medical records available;
- they can provide consistent follow-up for seafarers with health conditions;

- they can assist with return to work after illness;
- the likelihood of non-disclosure of illness and fraud will be reduced.

3.6 Whatever arrangements are made, it is important for employers to remember that in conducting the statutory medical examination, Approved Doctors are acting as independent appointees of the Secretary of State, and they are bound to observe the statutory standards and issue certificates of fitness based on them. They are also bound by requirements for confidentiality about details of medical conditions.

4.0 Employer Responsibilities for Health and Safety : Seafarer Health

- 4.1 Under the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, employers have a duty to ensure, so far as is reasonably practicable, the health and safety of workers. In terms of seafarer health, this includes a requirement to provide health surveillance as appropriate, taking account of the findings of risk assessment as required by the Regulations. Further guidance on health surveillance is included in Marine Guidance Note MGN 20(M+F).
- 4.2 The employer's general duty of care also includes a responsibility for providing information on factors relating to the seafarer's health. This includes ensuring that, before a seafarer is employed, he/she has received the appropriate advice on immunisations and preventative treatment

(such as treatment for malaria), according to where the ship will be operating. Fitness to fly may also be a factor which the employer may need to take into account.

4.3 The employer, owner or master of a ship may at any time require a seafarer who is the holder of a valid medical certificate, to obtain a new certificate where, as a result of illness, injury or reasonable cause, it is believed the seafarer may no longer meet appropriate minimum standards.

5.0 Further Information

5.1 Two leaflets for seafarers explaining the medical examination procedures, and extra tests which may be required have now been produced by the MCA, and copies are available free of charge from the address below.

5.2 Any questions about this Notice or any issue relating to seafarer health and safety should be referred to:

Seafarer Health and Safety Branch
Maritime and Coastguard Agency
Spring Place,
Southampton,
SO15 1EG
Tel: 023 8032 9247
Fax: 023 8032 9251
Email: seafarer_H&S@mcga.gov.uk

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