

INFORMATION BULLETIN No. 95

Control of Access to Ships in Port

It has come to our attention that there have been occasions where persons that have no official duty to perform onboard have wished to gain access to Barbados registered vessels.

Official Persons are those persons who have a legally based authority such that they may board any vessel when in a port covered by their jurisdiction.

While it may be assumed that persons who have gained access to the Port have done so by legitimate means, it remains the responsibility of the ship's Master to exercise discretionary controls on all such Legitimate Persons boarding his vessel in accordance with the Ship's Security Plan.

Legitimate Persons are those persons who are not Official Persons having a legitimate rather than an official reason for wishing to board the ship. For example; chandlers, stevedores, religious persons and trade union representatives, the latter two both having interests in crew welfare.

In each case the Master has to decide on one of three ways to deal with the attempts by legitimate persons to gain access to the ship.

1. To refuse the offered service/transaction by barring access
2. To arrange the service/interaction without granting access to the ship
3. To allow the person on legitimate business to access the ship.

With regard to option 1 there are three justifications where this may be appropriate:

- The Security Level of the ship is such that legitimate persons wishing to gain access can be denied.
- That access to the ship cannot be controlled in accordance with the ship's safety plan due to lack of available ship staff.
- To confirm that the ship/crew have no requirement of the service/interaction offered. *

With regard to option 2 there are three justifications where this may be appropriate:

- Sections of the crew are engaged in their duties or asleep.
- The crew can be represented in a suitable manner at the gangway by a spokesperson. **
- That in the case of sales of items/services, it can be established if they are required/ not required and informed to the sales person on the quayside.

With regard to option 3 there are three justifications where this may be appropriate:

- There are sufficient crew to accompany the visitor onboard the ship
- The visitor is personally known by a crew member and that this is acceptable to the Captain.
- Persons engaged in legitimate activities having the appropriate identification.

In the case where the legitimate activity of the person can be accommodated without that person gaining access to the ship this is to be offered by the ship's staff. In this regard BMSR has prepared a guideline for facilitating this process

In addition a BMSR formal statement has been prepared which can be shown to those ***Legitimate Persons*** wishing to gain access to the ship clearly stating in the case of crew welfare matters the position of BMSR.

* *see Guidance 1*

** *see Guidance 2*

2005-07-05

BARBADOS MARITIME STATEMENT CONCERNING WELFARE ISSUES FOR PERSONS SAILING ON BARBADOS REGISTERED VESSELS.

To whom it may concern:

The Government of Barbados through the actions of the Barbados Maritime Ship Register endeavors to ensure that all persons onboard a vessel flying the flag of Barbados shall have the legal protection afforded by the Barbados Shipping Act.

Such persons may either be engaged on the vessel by a contract of employment or be fare paying passengers.

In both cases the welfare of the person is to at least equal minimum standards currently applied to the industry through International Maritime Organisation (IMO) International Conventions and Resolutions of the International Labour Organisation (ILO).

Such persons may forward a complaint to BMSR against the standards maintained onboard the ship relating to any welfare issues that are the subject of IMO Conventions or ILO Resolutions.

Having regard to the conditions existing onboard a Barbados registered vessel any person in their capacity of representing an organisation having legitimate concerns regarding crew welfare, are invited to inform BMSR of their concerns so that they may be properly investigated

To the contact information appearing below

**Barbados Maritime Ship Register
Tel. 44 (0) 207 636 5739
Fax. 44(0) 207 636 5745**

Email registry@barbadosmaritime.com

THESE ILO CONVENTIONS ARE OBSERVED BY BMSR

**ILO 152 LIFTING EQUIPMENT
ILO 92 & 133 HYGIENE
ILO 187 MINIMUM WAGES**

ILO 187 CONTAINS THE CALCULATION FOR THE MINIMUM FIGURE BASED ON AN ABLE SEAMAN AND IS ISSUED PERIODICALLY BY THE JOINT MARITIME COMMISSION.

From 01.01.2005 the Joint Maritime Commission has set the minimum pay scale onboard ships to be based on the monthly basic salary for an AB of USD 500.00

GUIDELINE 1

Where it is the intention of the Master to bar the access of a legitimate person it is not recommended that the justification be that there are no welfare issues existing onboard.

As the Master is the representative of the shipping company he or she is therefore technically the crews' employer. As such, denying access in this way has the potential to aggravate the situation, which may have a negative influence on the ship's performance in that port

GUIDELINE 2

Arranging a crew spokesperson to come to the gangway to communicate any issues relating to crew welfare to the legitimate person

Choosing of the spokesperson

Crew choice of spokesperson

Statement from Master confirming that the spokesperson has been elected by the whole crew with regard to welfare and spiritual matters.

This may not be acceptable to the legitimate person and therefore this may only be resolved by the legitimate person selecting a person from the crew to act as spokesperson

Legitimate person's choice of spokesperson

Not to compromise the identity of any crew member to a non-official person requires a Crew List to be prepared where all the positions filled onboard are noted but where each crew members name has been omitted.

The legitimate person may then select a person by rank or rating to act as the ship's spokesperson.

Once selected the Captain shall endeavor to arrange for the selected person to come to the gangway to converse with the legitimate person regarding crew welfare matters

Where the selected person cannot come to the gangway the reason is to be given to the legitimate person who may then select a second crew member by rank or rating for the meeting.

The meeting can be unattended by any other crew member if this interaction takes place at the gangway.

Prior to the meeting the legitimate person is to be provided with the Administrations Statement Concerning Crew Welfare Issues, in which the legitimate person is instructed that any grievances discovered during the Meeting are to be communicated immediately to BMSR for investigation.

Failure by the legitimate person to make such a declaration will be considered as not being in the interest of the crew member or members but being indicative of there being an ulterior motive for the initial interest.

When the weather is not conducive to a meeting at the gangway a single legitimate person may be brought onboard to a selected controlled space for shelter during the meeting. For meetings held onboard the Master will select a ship's officer to attend this meeting as security and also to minute the meeting.

Where legitimate persons having concerns for crew welfare have received a verbal or written complaint from a crew member and can identify the complainant every effort must be made to facilitate the meeting onboard.

During such interviews the Master should be in attendance to minute the interview.

Following the conclusion of the meeting the Master may enter a remark concerning the points raised, including any actions the Master can put immediately in hand to resolve any issues.

The Minutes should be signed by all participants to the Meeting in three copies and distributed, 1 crew member, 1 legitimate person, 1 BMSR.

Where the legitimate person has received a written or verbal complaint from a person not currently engaged upon the ship.

The Master shall request a written statement from the legitimate person detailing the complaints. The legitimate person is also requested to use the contact information on the BMSR Statement to send a copy of the complaint to BMSR for investigation.