

**GUIDANCE ON COMPANY ROLES AND RESPONSIBILITIES UNDER
THE MERCHANT SHIPPING (MANNING, HOURS OF WORK AND
WATCHKEEPING) RULES, 1999 AND THE MERCHANT SHIPPING
(TRAINING AND CERTIFICATION) RULES, 1999
(IMPLEMENTATION OF THE STCW 95)**

1. **PURPOSE.**

This Note establishes guidelines for applying the provisions of Rule 5 relating to the Responsibilities of Companies, Masters, etc. of the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 and the provisions of Rule 34 relating to the Familiarisation and Basic Safety Training of the Merchant Shipping (Training and Certification) Rules, 1999, which implement the 1995 Amendments to STCW Convention. Specifically, it provides guidance to companies owning or operating Malaysian ships that operate beyond the domestic voyage limits of Malaysia. The intent of the company responsibility provisions is to ensure that Malaysian ships are appropriately manned with personnel fully competent and fit to perform all routine and emergency duties on board.

2. **BACKGROUND.**

- (1) In 1993, the International Maritime Organization (IMO) embarked on a comprehensive revision of STCW to establish the highest practical standards of competence for seamen and to reduce human error as a major cause of marine casualties. On July 7, 1995, a conference of Parties to STCW, including Malaysia, adopted a package of amendments to the convention which establishes requirements for qualification of masters, officers, watchkeeping and other crew personnel on seagoing merchant ships and the responsibilities of companies that operate such ships. The STCW amendments entered into force on February 1, 1997.
- (2) If a company own or operate a seagoing Malaysian ship, the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 and the Merchant Shipping (Training and Certification) Rules, 1999 requires that:
 - (i) personnel serving as seamen on board your ships hold an appropriate STCW certificate or endorsement;
 - (ii) the ships are adequately manned;
 - (iii) the company maintains records of crew experience, training, and competency and medical fitness; and
 - (iv) the company provide ship specific familiarisation and crew coordination training or instruction.

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- (3) Personnel serving on small ships or ships less than 200 gross are considered in compliance with STCW due to their special operating conditions and status as small ships engaged in domestic voyages. However, if these ships make international voyages, foreign port state control officers may look for compliance with the following STCW standards:
- (i) all certificated officers hold an STCW Certificate;
 - (ii) watch schedules are posted in compliance with the STCW rest hour requirements;
 - (iii) all seamen are familiar with the systems and procedures related to their duties; and
 - (iv) all seamen have basic safety training or instruction or ship familiarisation, as appropriate.

3. IMPLEMENTATION OF COMPANY'S RESPONSIBILITIES.

(1) The company's responsibilities with respect to STCW

The company is responsible for ensuring that the requirements of applying Rule 5 and the Schedule – Fitness for duty of the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999, (STCW Regulation I/14 and section A-VIII/1 of the STCW Code) are met for each of the ships to which the STCW Convention applies in each of these areas:

- (i) certification of seamen on board;
- (ii) safe manning;
- (iii) documentation and record keeping of seaman training, competency; and medical fitness;
- (iv) ship-specific familiarisation training or instruction for new seamen;
- (v) effective coordination of crew activities on board; and
- (vi) the fitness of each seaman for duty including work/rest hours and watch schedules.

The company is also responsible for ensuring that:

- (vii) no crewmember is employed unless they possess evidence that they have received appropriate basic safety training in accordance with Rule 34 of the Merchant Shipping (Training and Certification) Rules, 1999 (STCW Regulation VI/1).

Sections B-VIII/2.4 and 2.5 of the STCW Code provides recommended guidelines on bridge resource management and procedures that should also be taken into account in the operation of the company's ships.

(2) How do the company's meet these responsibilities?

To fulfill these responsibilities, follow the guidance provided below:

(i) Certification of Seamen.

Ensure that each seaman assigned to any of your company's ships holds an appropriate certificate in accordance with the provisions of the Merchant Shipping (Training and Certification) Rules, 1999 and with the STCW Convention, as amended. Before allowing a seaman to serve in a capacity requiring STCW certification or endorsement, verify that the person concerned possesses the appropriate documents. Where any doubt exists, call or contact the Marine Department Headquarters to confirm that certificates, seaman documents, and STCW endorsements presented are valid and authentic.

(ii) Safe Manning.

In accordance with the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999, before departing any port the company should verify that the complement of certificated and uncertificated personnel on board the company's ships meets the manning requirements set out in the safe manning document or manning certificate.

(iii) Documentation and Record-keeping.

The company must ensure that persons who are competent and fit for duty man the ships. The company must establish procedures to ensure records are maintained for each certificated and documented seaman serving on board ships subject to STCW throughout the seaman's service. These records must be readily accessible to those in management responsible for ship safety and the prevention of marine pollution. This information includes:

- (a) The results of a recent medical check-up by an approved medical practitioner (i.e., an approved medical doctor).
- (b) The experience, training, or instruction relevant to assigned shipboard duties. (For example, a record of training completed and on-the-job experience acquired.)
- (c) Records of competency in assigned shipboard duties evidenced by copies of current certificates, documents, or endorsements held by the seaman.
- (d) A record of the most recent basic safety assessment and documented instances where ship-specific familiarisation has been achieved and maintained.

The company is responsible for keeping appropriate records for seamen in your employ but you may use a third party agent (such as a ship management company) to maintain and hold physical custody of these records.

(iv) Ship-specific Familiarisation.

(a) In accordance with Rule 34 of the Merchant Shipping (Training and Certification) Rules, 1999, upon first assigning the company's employees to a ship, the company must provide them a reasonable opportunity to become familiar with all ship arrangements, installations, equipment, procedures and ship characteristics relevant to their routine and emergency duties. Rule 5(4) of the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 (Section A-I/14 of the STCW Code) requires the company to provide written instructions to the master that documents the policies and procedures to follow with respect to all newly employed or newly arrived ship personnel. These written procedures, which may be in the form of a checklist, should direct new or newly arrived employees to:

- (aa) Visit spaces where they will perform their regular and emergency duties;
- (bb) Locate muster stations, alarms, life-saving appliances, and emergency escape routes, as well as any fire-fighting and pollution response equipment they may use;
- (cc) Meet their supervisor or other person(s) assigning duties;
- (dd) Locate equipment necessary to perform their duties and learn the control and display features for that equipment;
- (ee) When convenient to ship operations, observe the equipment in use by someone whose duties already require its use;
- (ff) Activate the equipment and perform functions using the controls on the equipment, when conditions permit;
- (gg) Locate operational manuals or other documentation needed to perform their duties;
- (hh) Locate any personal protection gear required to perform their duties, as well as first aid/medical kits available at the work site;
- (ii) Read and understand relevant standing orders, safety and environmental protection procedures, and company policies, clarifying any unclear or confusing material;
- (jj) Read and understand the ship's safety management system which includes:
 - The owner's safety and environmental protection policies;
 - Company responsibility and authority statements;
 - Master's responsibilities and authorities statements;
 - Crew members chain of command;

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- Duty requirements regarding ship safety and pollution prevention operation plans;
 - Personnel procedures and resources which are available ashore and aboard ship from the company; and
 - The written designation of the person who is responsible for the management, maintenance, and communication of safety management system requirements throughout the ship's company; and
- (kk) If serving in a watchkeeping capacity, get acquainted with the watch schedule and identify a personal work schedule which will comply with workhour limits and rest period requirements.
- (b) When assigning a new mate or master to a ship with an Integrated Navigation System (INS) or Integrated Bridge System (IBS), provide special instruction in the use of the system before assigning watchkeeping duties, particularly in regard to:
- (aa) The function of each component (along with any dependent relationship of one component to another);
 - (bb) The visual and audible alarm displays (along with their meaning and location);
 - (cc) The source of critical input data (along with the need to verify the accuracy of inputs by other available means at periodic intervals); and
 - (dd) The procedures for switching between automated and manual operation (along with the response times involved).
- (c) Conduct frequent drills to ensure all personnel with navigational watchkeeping responsibilities are fully competent in the ship's characteristics and how to use the INS or IBS, as applicable, under normal circumstances and during emergencies.
- (d) The master must enter in the official log book the fact that new personnel are familiar with ship-specific arrangements. The seaman and master should also enter in the official log book any need for a period of special supervision to give the new crewmember additional opportunities to become familiar with the ship's arrangements. The official log book record must be available for review by those in management responsible for the safety of the ship, including the ship master and appropriate company officials.
- (v) Crew Coordination.
- Ensure that the master, officers and crew can effectively coordinate their activities in an emergency situation and perform the functions vital to

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safety or preventing or mitigating pollution. The company can maintain and improve coordination through:

- (a) regular drills requiring the active participation of all seamen;
- (b) follow-up discussions of what went well and what needs to be improved and critiques to identify areas where improved procedures, or methods of communication, would allow smoother coordination of activities;
- (c) regular training sessions to allow seamen to become acquainted with each other's role on the ship; and
- (d) incentives for seamen who identify or introduce improvements and for superior team performance during drills.

(vi) Fitness for Duty and Watch Schedules.

The company should establish and enforce watch systems and work schedules to ensure that fatigue does not impair the efficiency of watchkeeping personnel. Take care to ensure compliance with the work hour rules in the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 and the rest-hour provisions of the Schedule to the said Rules (section A-VIII/1 of the STCW Code). These provisions are:

- (a) Each person assigned duty as officer in charge of a navigational or engineering watch, or duty as a rating forming part of a navigational or engineering watch, on board any ship that operates beyond domestic voyage limits must receive a minimum of 10 hours of rest in any 24-hour period.
- (b) The hours of rest may be divided into not more than two periods, one of which must be at least 6 hours in length.
- (c) These rest hour provisions need not be maintained in the case of an emergency, drill, or other overriding operational condition (that is, circumstances in which essential shipboard work cannot be delayed for safety or environmental reasons, or could not reasonably have been anticipated at the commencement of the voyage).
- (d) The minimum 10 hour rest period may be reduced to not less than 6 consecutive hours under the following conditions:
 - (aa) No reduction may extend beyond 2 days; and
 - (bb) Not less than 70 hours of rest are provided each 7-day period.
- (e) The minimum period of rest required may not be devoted to watchkeeping or other duties.

Watchkeepers should normally sleep during their scheduled rest periods. This does not prohibit the person from engaging in "personal pursuits" during the rest period as long as the personal activity is not actually work associated with the ship or ship specific on-board training. In defining and scheduling rest periods, the company should not establish conditions where outside influences, such as overtime pay, performance evaluations, or other incentives and pressures undermine the purpose of the rest period which promotes rest and recuperation between periods of watchkeeping.

Ensure that all watchkeeping personnel are aware of the requirements, principles, and guidance set out in the Schedule to the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 (Sections A-VIII/2 and B-VIII/2 of the STCW Code). Observe these requirements to ensure that a safe continuous watch, as appropriate to the prevailing circumstances and conditions, is maintained at all times. Placing a copy of the watchkeeping provisions in the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 (Sections A-VIII/2 and B-VIII/2 of the STCW Code) on board each seagoing ship would assist this. The ship master must post watch schedules where they are easily accessible to the crew and authorized officials. The schedules must include each affected crew member and take into account the appropriate rest requirements.

(vii) Bridge Resource Management.

As recommended in Section B-VIII/2 of the STCW Code, the company should issue guidance to masters and navigation watch officers concerning the need for continuously reassessing the allocation and use of bridge resources based on the following bridge resource management principles:

- (a) ensure a sufficient number of qualified individuals are on watch to effectively perform all duties;
- (b) ensure all members of the navigational watch are appropriately qualified and fit to perform their duties efficiently and effectively or the officer in charge of the navigational watch should take into account any limitation in qualifications or fitness of the individuals available when making navigational and operational decisions;
- (c) clearly and unambiguously assign duties to specific individuals, who should confirm that they understand their responsibilities;
- (d) perform tasks according to a clear order of priority;
- (e) do not assign members of the navigational watch more duties or more difficult tasks than they can effectively perform;
- (f) assign individuals to locations where they can most efficiently and effectively perform their duties and reassign individuals to other locations as circumstances may require;

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- (g) do not assign members of the navigational watch to different duties, tasks or locations until the officer in charge of the navigational watch is certain that the adjustment can be accomplished efficiently and effectively;
- (h) ensure that instruments and equipment considered necessary for effective performance of duties are readily available to appropriate members of the navigational watch;
- (i) ensure communications among members of the navigational watch are clear, immediate, reliable, and relevant to the business at hand;
- (j) non-essential activity and distractions should be avoided, suppressed or removed;
- (k) ensure all bridge equipment is operating properly and if not, the officer in charge of the navigational watch should take into account any malfunction which may exist in making operational decisions;
- (l) all essential information should be collected, processed and interpreted, and made conveniently available to those who require it for the performance of their duties;
- (m) do not place non-essential materials on the bridge or any work surface; and
- (n) ensure members of the navigational watch are at all times be prepared to respond efficiently and effectively to changes in circumstances.

(viii) Bridge Teamwork Procedures.

The standard of competence for officers of the navigational watch under STCW includes a requirement that candidates have "thorough knowledge of bridge teamwork procedures". An on-board assessment of a working mate's competence in bridge teamwork principles should include confirmation that the individual concerned has this knowledge and an ability to apply bridge management principles based on direct observation of exercises or circumstances in which the individual demonstrates these skills. The areas assessed should cover:

- (a) voyage planning and evaluation of alternative routes, schedules, and arrangements;
- (b) bridge procedures, checklists, and logs;
- (c) watch conditions, watch augmentation, watch change, and management of work hours and rest periods for watchkeeping personnel;
- (d) effective communication, confirmation and application of information among bridge-team members, and between the bridge and the master and between the bridge and the engine/control room;

- (e) situational awareness and error trapping, based on a continuous reassessment of priorities, resource allocation, and effective use of bridge systems and equipment;
- (f) leadership in maintaining bridge discipline and vigilance in promoting teamwork and information exchange taking into account the skills and experience available and in positioning and re-positioning of watchkeeping personnel taking into account the status of automated systems;
- (g) response in bridge emergencies, such as failure of a critical component in an integrated navigational system, sudden incapacity of a bridge-team member or loss of propulsion, steering or other critical automated systems; and
- (h) pilot/bridge team integration.

(3) What if the company operates under a safety management system?

If the company operate ships under a safety management system (SMS) in compliance with the International Safety Management (ISM) Code and hold a valid Safety Management Certificate (SMC) and Document of Compliance (DOC) issued by the Classification Societies and the Marine Department respectively, the company is presumed to be in compliance with Rule 5 of the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 (STCW Regulation I/14).

If only some of the company's ships are under the SMS, then only those that are certified under ISM Code that will be presumed to have complied with Rule 5 of the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999.

4. **IMPLEMENTATION.**

These guidelines apply to seagoing ships operating beyond the domestic voyage limits. If you conform to these guidelines, an equivalent Marine Department accepted industry standard, or ISM Code, you will be in compliance with the provisions of Rule 5 of the Merchant Shipping (Manning, Hours of Work and Watchkeeping) Rules, 1999 (STCW Regulation I/14) and with respect to company responsibilities outlined in paragraph 3(1) of this NMPM.

Marine Department,

Peninsular Malaysia.

Encl: (1) Recommended Qualification Checklist for Ship Familiarisation Training

RECOMMENDED QUALIFICATION CHECKLIST FOR SHIP FAMILIARISATION TRAINING OF SEAMEN SERVING ON MALAYSIAN SHIPS ON VOYAGES BEYOND THE DOMESTIC VOYAGE LIMITS

This checklist is recommended as a means for seamen and ship owners/operators to document ship familiarisation training required by the Merchant Shipping (Training and Certification) Rules, 1999. When a seaman has received training or instruction or otherwise demonstrated competency in a particular qualification the individual conducting the training and/or assessment of competency should sign and date each item. Both the seaman and the trainer/assessor should sign and print their names clearly on the form where indicated to verify the completion of all qualifications. The trainer/assessor should also include his Certificate of Competency or other professional certificate number.

Seaman’s Name: _____ **Seaman No:** _____

Ship Name: _____ **Official Number:** _____

Ship Type: _____ **Voyage Limit:** _____

Qualification	Date	Trainer/ Assessor	Comments
1. Received training/instruction on how to communicate with other persons on board regarding elementary safety matters and recognition of informational symbols and signs.			
2. Received training/instruction on how to recognize alarm signals and the procedures they represent.			
3. Received training/instruction on what action to take in the event a person falls overboard; if fire or smoke is detected; or if the fire or abandon-ship alarm sounds			
4. Received training/instruction on how to identify stations for muster and embarkation, and emergency escape routes.			
5. Received training/instruction on the location of life jackets, life rings, and other lifesaving equipment stored on board.			
6. Receive training/instruction on how to don a life jacket.			
7. Receive training/instruction on how to raise the alarm in the event of fire.			
8. Receive training/instruction on how to use portable fire extinguishers.			
9. Receive training/instruction on how to close and open the fire, weathertight, and watertight doors (other than hull openings).			
10. Received training/instruction on the immediate actions to take upon encountering an accident victim or other medical emergency before seeking further medical assistance on board such as: a. Actions to protect/prevent the victim of an accident or medical emergency from additional injury or harm. b. Actions to mitigate the threat an accident may pose to others.			

Seaman’s Signature: _____ **Date:** _____

Trainer/Assessor: _____ **Seaman No:** _____ **Date:** _____

(printed or typed name & signature)