

RISK WATCH

OCTOBER 2017

LOSS PREVENTION MEET THE TEAM

PEOPLE RISKS IMPROVING LIFE AT SEA WITH TECHNOLOGY

CONTAINER & CARGOES HOW TO AVOID A LARGE CLAIM

NAVIGATION & SEAMANSHIP MOORING: THINGS TO WATCH OUT FOR



BRITANNIA P&I
TRUSTED SINCE 1855

WELCOME TO OUR NEW-LOOK RISK WATCH



BRITANNIA'S MISSION IS TO BE
THE FINEST P&I CLUB.

We've re-launched Risk Watch together with Britannia's refreshed branding. Our core values remain the same, above all being to provide the highest quality service to our Members while ensuring that Britannia maintains its unrivalled financial strength and reputation for exceptional support of our Members. That support is reflected in Risk Watch, first produced in May 1994 and now in its 23rd year of production.

Risk Watch has had a make-over, which I hope readers like. Nevertheless, its aim remains the same – namely to help Members, by providing them with timely updates on a variety of issues which are important to the industry. Risk Watch will also be promoting Britannia, introducing you to Britannia staff and sharing our experience with you, our Members. We hope you enjoy the new style and we always welcome any comments.

ANDREW CUTLER, CEO Britannia



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MEET THE LOSS PREVENTION TEAM

BRITANNIA'S MASTER MARINERS HAVE SPENT MUCH OF THEIR CAREERS NAVIGATING THROUGH TURBULENT TIDES AND CHALLENGING CHANNELS TO PROVIDE MEMBERS WITH FIRST-HAND EXPERIENCE OF HOW TO MANAGE AND MITIGATE TRICKY SITUATIONS. LET'S MEET THE TEAM!



AT THE HELM IS NEALE RODRIGUES a former Captain, having sailed on container, RoRo, bulk, tanker, reefer and multipurpose ships. Taking a step back from the sea, his work ashore encompassed marine surveying and quality assurance, and the commercial, technical and operational management of container, bulk and multipurpose ships. Neale is now the Divisional Director of the Loss Prevention team and likes spending time with Members and affiliates, participating in seminars and working through some of the tricky situations they are faced with.



THE CHIEF OFFICER FOR THE TEAM IS JOHN LEACH. John's seagoing experience extends to container, bulk carrier, product, crude oil tankers and sail training ships, finishing up as a Captain. His time in shore-based roles focused on container terminal operations, liner container operations, ship planning, commercial and cargo management, particularly working with dangerous cargoes, although his favourite memories are from his time spent at the helm. John is the Associate Director of the Loss Prevention team, enjoys spending time abroad presenting to Members, and has a keen eye for local culture.



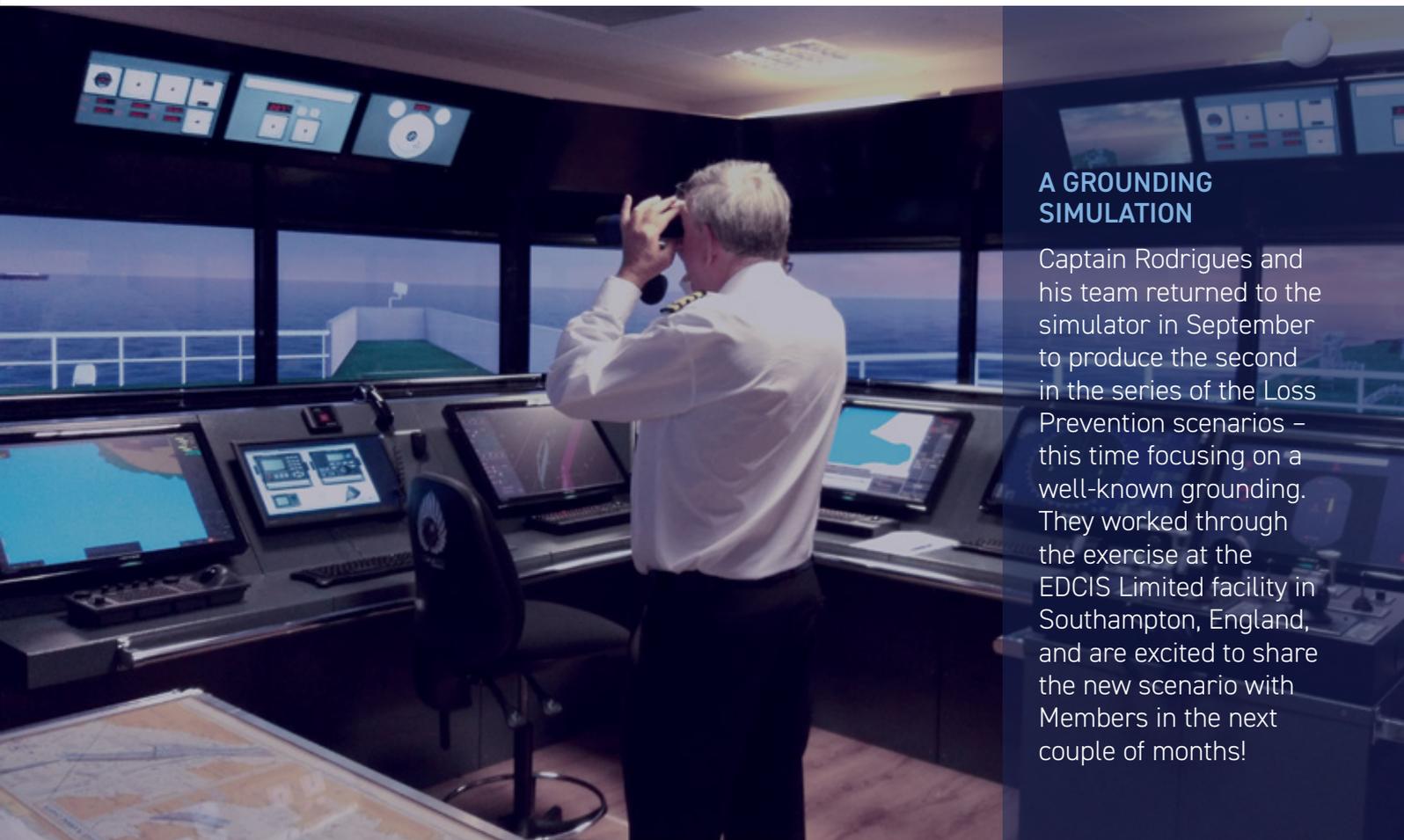
NAVIGATING OFFICERS, SHAJED KHAN AND JOHN HISSEY play an integral role in the team.

Shajed combines his seafaring experience and interest in product/chemical tankers, general cargo and bulk carriers with a Master of Science degree in Marine Transport with Management, with an emphasis on the human element in shipping. Shajed worked his way to the rank of Captain from a Cadet, and credits much of his successes to the journey he undertook. When the sea was no longer exciting, he expanded his knowledge ashore working as a surveyor undertaking cargo, damage, warranty, heavy lift, quality and safety surveys.



John spent most of his seafaring life on passenger ships, tankers, general cargo, bulk and sail training ships. He has also been involved with commissioning new build warships, marine consultancy and assurance surveying for the offshore industry. John is a keen epicurean.

Shajed and John are the Risk Managers for the team and also enjoy providing advice and presenting technical seminars to Members and seafarers.



A GROUNDING SIMULATION

Captain Rodrigues and his team returned to the simulator in September to produce the second in the series of the Loss Prevention scenarios – this time focusing on a well-known grounding. They worked through the exercise at the EDCIS Limited facility in Southampton, England, and are excited to share the new scenario with Members in the next couple of months!

BRITANNIA SPONSORS SAILORS' SOCIETY WELLNESS AT SEA APP



SAILORS' SOCIETY IS AT THE FOREFRONT OF SEAFARER WELLNESS AND HAS SPECIFICALLY DESIGNED A COACHING PROGRAMME TO REFLECT THE NEEDS OF SEAFARERS AND THEIR EMPLOYERS BY PROMOTING CULTURAL AWARENESS, EMOTIONAL INTELLIGENCE, SOCIAL SKILLS AND SPIRITUAL WELLBEING ALONGSIDE MORE FAMILIAR SKILLS.

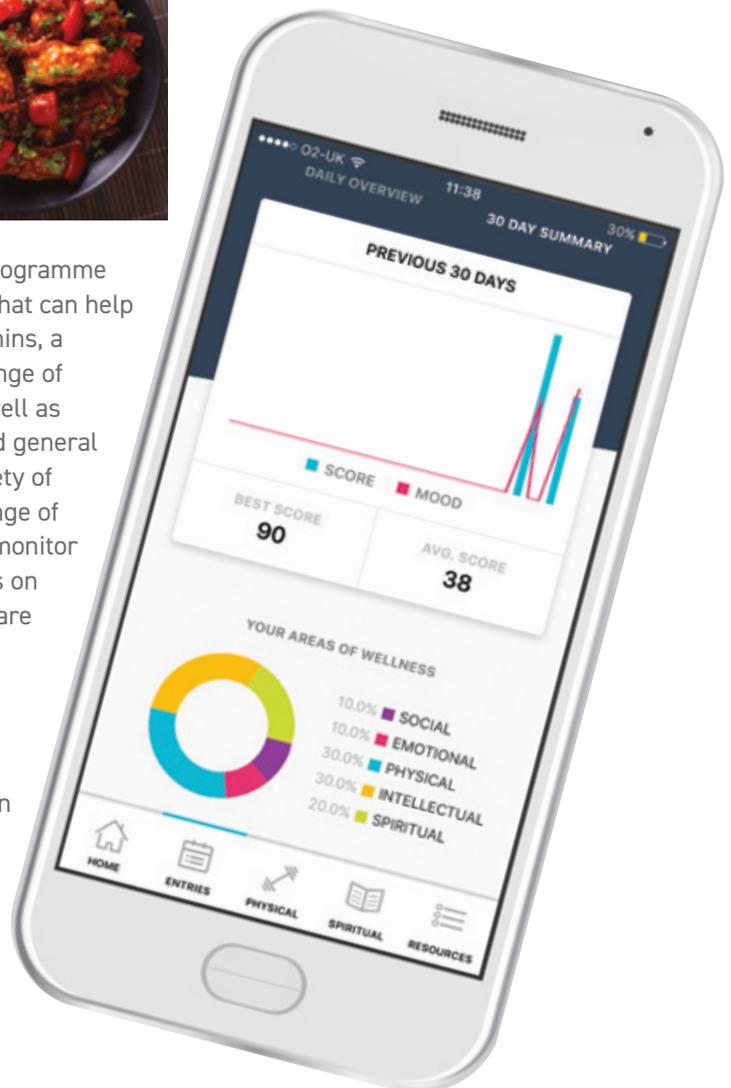
Recent studies have seen a rise in poor mental and physical health among seafarers and highlighted the fact that suicide rates among seafarers have more than tripled since 2014.



Sailors' Society's Wellness at Sea app and their wider coaching programme seek to empower seafarers with a range of knowledge and skills that can help to prevent these issues. As many know, exercise releases endorphins, a natural stress reliever. The latest version of the app includes a range of exercises, from quick workouts to more testing programmes, as well as recipes and nutritional advice, all of which can improve fitness and general wellness. Healthy eating tips and recipes aim to cater for the variety of nationalities that tend to make up the modern crew and offer a range of healthy meat and vegetable dishes. The app also allows users to monitor their social, emotional, physical, intellectual and spiritual wellness on a daily basis, in addition to providing information on maritime welfare organisations across the globe and AIS tracking data.

The long contracts away from loved ones and the stresses of everyday life at sea often have a negative impact on seafarers' mental and physical health. Fatigue and poor mental health are common complaints. We're also aware that fitness levels can dip in the time at home between contracts.

Britannia is delighted to sponsor this app, further evidence that the wellbeing of the world's seafarers is of paramount importance to us. We hope that the newest additions to the app will enable users to further monitor their fitness and in turn help to minimise poor health or incidents at sea.



For more information visit:
www.sailors-society.org/wellness





EXERCISE,
A HEALTHY DIET
AND DRINKING
PLENTY OF WATER
CAN HELP PREVENT
HYPERTENSION,
HEART DISEASE
AND DIABETES

PRE-EMPLOYMENT MEDICAL EXAMINATIONS (PEME)

WATCH OUT FOR PRE-EXISTING HEALTH CONDITIONS

In past editions of Health Watch (our sister publication), we've focused on how seafarers can take simple but effective steps to keep healthy and how to prevent and control some of the common health conditions such as hypertension, heart disease and diabetes. Taking exercise, eating healthy food and drinking plenty of water can all help general health and fitness

A Pre-Employment medical Examination (PEME) is designed to ensure that a potential seafarer is fit for service – highlighting specific symptoms that can reveal medical conditions and alert employers to possible health issues.

However, a number of recent cases handled by our personal injury team have highlighted the need to consider the health of the seafarer as a whole and to be aware of the accumulative effects of certain risk factors. The most relevant factors associated with fitness for employment are hypertension and diabetes – strokes and heart disease are conditions suffered by seafarers who have a combination of these risk factors. And for an older person, the risk increases if they are also overweight.

PEME CASE 1

A seafarer (age 57) was noted as being overweight with a history of hypertension and diabetes. He was taking medication for type 2 diabetes and for hypertension and his ECG was outside the normal range. He suffered a heart attack while on board ship and is now unfit for sea duty and is claiming disability compensation.

PEME CASE 2

A seafarer (age 50) was taking two sets of drugs for hypertension and two sets of drugs for diabetes. His blood pressure was 'high'. He was declared fit for service but suffered a stroke while on board ship and had to be repatriated. He is also unfit to return to work at sea and is claiming disability compensation.

PEME CASE 3

A seafarer (age 52) was taking two sets of drugs for diabetes, had high blood pressure and was a smoker. He was confirmed as fit for service as an engineer but sadly he suffered a stroke while on board and died.



THE MESSAGE TO MEMBERS is that whilst a standard PEME may be sufficient for most seafarers, if it reveals a combination of risk factors such as hypertension, diabetes, and being overweight, and especially if the seafarer is of advanced age, then Members should adapt their criteria to consider whether the individual is fit for sea duty.

CONTAINERS & CARGOES CASE STUDY

PROMPT ACTION CAN AVOID A LARGE CLAIM

A PRACTICAL EXAMPLE OF HOW APPOINTING A SURVEYOR CAN HELP TO AVOID A LARGE CARGO CLAIM.

In a recent case handled by the Club, a ship noticed a small amount of wet damage to a grain cargo which was being discharged in Bangladesh. Members did not request the Club's assistance in appointing a surveyor as they considered that the damage was minimal and they did not expect cargo interests to make a claim.

In the absence of surveyors appointed on behalf of Members, the receivers and charterers both sent surveyors on board to inspect the cargo. During the next two months the master was provided with several reports by the receivers' surveyors. All of the reports concluded that the vast majority of the cargo was sound and that the cargo could be discharged and any damaged cargo could be segregated. However, receivers and charterers took no steps to proceed with delivery, despite their obligation to do so.

Two months later, a claim for about USD2 million was presented and the claimants arrested the ship to secure their claim. The ship remained under arrest for ten months, with charterers stopping hire payments for over six months.

Investigations undertaken later revealed that the claim had been exaggerated. It was suggested by the local correspondents that if prompt action been taken by them, locally, to respond to the claims and to discuss the issues with receivers, the drastic action of arresting the ship could have been avoided. The damage claim might also have been limited by a swift commercial settlement and by encouraging practical steps to be taken to complete discharge.

THE MORAL OF THIS STORY

if in doubt, involve the Club and appoint a surveyor. It's dangerous to assume that receivers will take action to resolve any cargo problem, even if they are obliged to do so by contract. This is particularly the case in difficult jurisdictions such as Bangladesh.



MOORING AND BERTHING

FROM A LEGAL VIEWPOINT

THE EFFECT OF INTERACTION BETWEEN A PASSING SHIP AND A SHIP THAT IS ALONGSIDE A BERTH (WHETHER FULLY MOORED OR NOT) AND WHICH CAUSES THE SHIP ALONGSIDE TO SURGE AND YAW, CAN GIVE RISE TO SIGNIFICANT INCIDENTS. INTERACTION FORCES TEND TO BE STRONGER IN NARROW CHANNELS WITH RELATIVELY SHALLOW DEPTH, SUCH AS CANALS OR RIVERS.

EXAMPLES INCLUDED IN THIS ARTICLE

CONTACT DAMAGE CAUSED BY THE SHIP ALONGSIDE THE BERTH TO BERTH STRUCTURES, FENDERS, SHORE CRANES, ELEVATORS ETC.

HULL DAMAGE TO THE SHIP THAT IS ALONGSIDE THE BERTH.

WHEN SHORE HOSES ARE CONNECTED TO A MOORED SHIP, DAMAGE CAN BE CAUSED TO THE SHORE HOSE, JETTY MANIFOLD AND CONNECTED STRUCTURES, LEADING TO A RISK OF SPILLAGE AND POLLUTION.

COLLISION WITH TUGS AND ADJACENT SHIPS.



A REPORTED CASE

A bulk carrier (A), assisted by tugs and with a pilot on board, was proceeding along the Candiano Canal at Ravenna, Italy at minimum manoeuvring speed.

An ore carrier (B) was alongside a berth in the canal, but was not yet securely moored. B was also being assisted by tugs and a pilot. The master of A and her pilot were aware that B was still in the process of making fast.

As A proceeded past B, the latter ship was subjected to forces of interaction that caused the ship to surge and yaw against the berth. An underwater fender was compressed and a retaining plate of the fender penetrated B's shell plating below the waterline. As a result, a large quantity of cargo was damaged by seawater ingress into B's cargo holds.

B succeeded in a claim in the English High Court against A on the grounds that A's negligence had caused damage to B and her cargo. The Court did not find any fault with the speed at which A had proceeded along the canal nor of A's position in the middle of the canal but it was common ground between the parties that it was not good seamanship for a ship of the size of A to pass B before B was securely moored. The Court concluded that it was clearly foreseeable to A that B would sustain damage if A passed her before she was securely moored.



The Savannah River, Georgia, USA

Image: Shutterstock.com

THE COURT'S FINDINGS

The Court did not find any fault with the mooring operation of B. The Court said that in the process of mooring a master is entitled to decide the order in which mooring ropes are put out and made fast. B's master was not informed that A was passing and so, in the Court's opinion, the master and crew of B had no reason to consider the location of A relative to B at the time. The attention of B's crew was legitimately focused on manoeuvring and securing their large ship into the tight space of the berth.

The Court concluded that A was negligent for proceeding along the canal past B when A had not ascertained that B was fully moored at the berth. It was also found that the fender design was faulty, and so the Court accepted an unsafe berth claim against the charterers of B who were co-defendants in the court case. Under English statute law A was able to recover a proportion of their liability towards B, from the co-defendant charterers of B.

(The "Carnival", reported in Lloyds Law Reports, 1992).

A RECENT INCIDENT

In a more recent incident that was dealt with by the Club, a container ship (C) was proceeding inbound in the Savannah River, USA. A tanker (D) was moored at a jetty with all lines fast with a shore hose connected that was pumping cargo. When C passed D, interaction forces caused D to surge along the jetty and D's bow yawed towards the channel. The surge and yaw stretched the shore hose and, as a consequence, the jetty manifold and connected pipes were bent and deformed, which in turn led to a small spill of cargo.

The jetty owners brought a claim against both ships for damage to the jetty and for cleaning up the small cargo spill. D presented VDR data and CCTV footage at the jetty which indicated that C strayed from the inbound side of the channel to the outbound side and passed D at a relatively short distance of 70 metres, which generated a strong surge. On the other hand, C's evidence was that it was sailing inbound at the minimum safe steering speed on an ebb tide, and that any interaction effect was ordinary and normal for a narrow waterway with heavy traffic, and that mooring arrangements must be strong enough to resist ordinary and normal swells in narrow waters where heavy traffic may be anticipated. The claims between the parties were resolved amicably based on the arguments made and contemporaneous evidence provided by each party.

These cases demonstrate that interaction forces between a passing ship and a ship that is alongside a berth (whether fully secured or not) can result in significant contact damage to the moored ship and shore structures as well as consequential loss and damage to cargo. The passing ship and the ship that is alongside the berth must show that they exercised good seamanship. Preservation of ship's electronic data as well as third party information sources such as shore CCTV footage can greatly assist in resolving claims expeditiously. Owners of a moored ship that is chartered out may also consider whether the berth satisfied the requirements of any safe berth warranty in the charterparty.

MOORING AND BERTHING FROM A LOSS PREVENTION VIEWPOINT

IF A SHIP IS NOT MOORED CORRECTLY THERE IS A RISK OF DAMAGE TO THE SHIP AND ALSO A SERIOUS RISK OF INJURY TO THE CREW, ESPECIALLY IF MOORING WIRES OR ROPES BREAK.

The OCIMF Mooring Equipment Guidelines and the Effective Mooring publications contain detailed information on best practices relating to mooring operations and equipment. It seems a good time to remind Members of some of the important issues to bear in mind when conducting mooring operations.

- Before conducting any mooring operations, an effective risk assessment must be undertaken, taking into account the ship's characteristics, type, size, draft and prevailing weather conditions.
- Mooring equipment should be inspected regularly and any defects repaired promptly. All rollers and fairleads should run smoothly and all ropes and wires must be in good condition.
- A mooring plan should be prepared which includes careful consideration of the type of mooring (for example whether at a quay or dolphin), the type of fendering, and what type and location of bollards are available.
- If suitable leads cannot be provided for the ship's moorings, the master should take additional precautions, including shortening the notice period for the main engine to be available and making provisional arrangements for tugs, particularly if adverse weather conditions are expected.
- The current and expected weather conditions must be taken into consideration, including wind direction and strength, and also the sea conditions if the berth is open to the sea or directly affected by winds or seas from a particular direction.
- The effect of Under Keel Clearance (UKC) and the anticipated tidal stream at the berth must also be considered when deciding the appropriate mooring arrangements as the moorings on ships with shallower UKC can be subject to additional forces.
- Slip and trip hazards should be identified and highlighted; these could include exposed cleats, hatches and pipes and also slippery decks caused by water, grease or cargo residues.
- When mooring lines are under strain, all personnel should remain in positions of safety i.e. out of the snap back zones. Safe zones should be identified and pointed out to all responsible crew prior to mooring.
- Mooring lines that are not on mooring drums should be secured on bitts rather than on warping drums.
- Given the number of claims relating to damage to fenders, taking a picture of the berth and the fenders just prior to berthing and just after departing can help in defending such claims. Some of our Members utilise CCTV or cameras mounted on the bridge wings to monitor mooring operations.
- An efficient mooring watch must be maintained at all times. When ships are berthed in tidal or river berths, or berths where there is passing sea traffic, the mooring lines must be closely monitored to ensure that they do not become slack. This is particularly important if another ship passes too close or too fast, creating a wash. In such cases, photo and video evidence is very useful and a report should be made promptly, even if no damage is immediately apparent.
- If mooring lines are secured on self tensioning winches, they will also need to be closely monitored, particularly if the ship surges.
- If weather conditions get worse a timely decision must be made whether to stay, and adjust the moorings accordingly, or leave the berth for the open sea or anchorage – this decision must not be dictated by commercial considerations.
- Decisions must be made and appropriate action taken before the bad weather sets in or it might be too late to act.