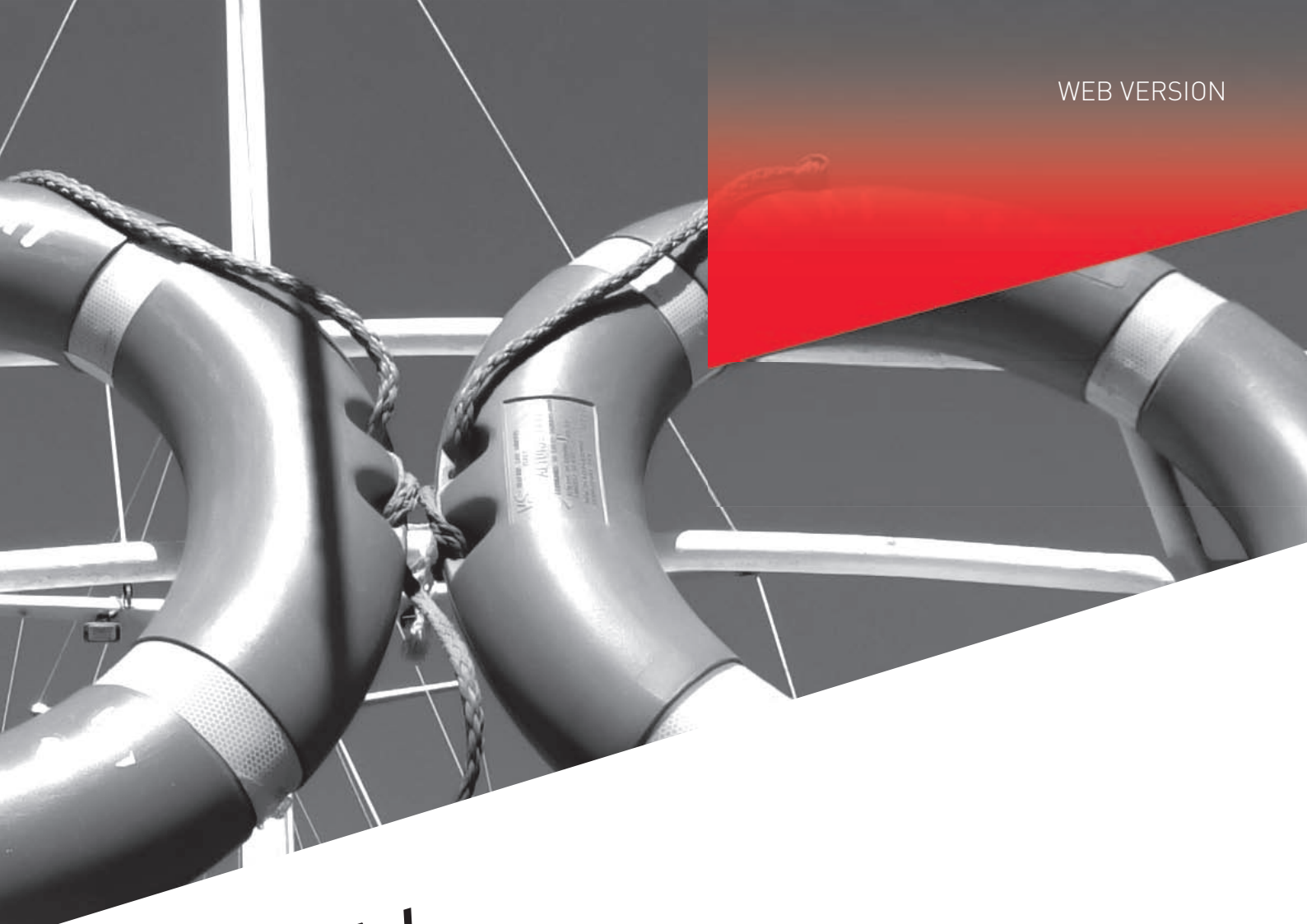


WEB VERSION



# CREW NEWSLETTER

APRIL 2013



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# / PHYSICAL HEALTH

## Skuld Pre-Employment Medical Examination (PEME)

Skuld has its own PEME program to help you select healthy crew

### Advantages

- The enhanced PEME offered by Skuld goes far beyond a normal PEME carried out in ordinary clinics
- The test methods and criteria differ from a normal PEME to provide a better picture of the seafarer's health
- Members are provided with a tested clinic capable of performing high quality examinations

### Current Eligibility

- All members employing seafarers from the Philippines, India and Ukraine can participate in the programme

### Validity of PEME

- 12 months

For more information, please visit our website or contact your syndicate.

Every month, Skuld deals with a number of crew illness claims. This is not only costly to both the Club and its members, but it also affects productivity on-board as sick crew often have to be monitored, repatriated and sometimes replaced causing delays due to deviation or emergency evacuations.

**The most cost effective way of eliminating such claims is by use of a comprehensive pre-employment medical examination (PEME), the quality of which is the most important factor.**

Cost being a critical factor, screening is often limited to basic medical testing which allows serious medical conditions to go undetected. The selection of clinics to perform the PEME is also of utmost importance.

In order to control the quality of the PEME, **Skuld has its own enhanced PEME programme to help members select healthy crew. Skuld's enhanced PEME goes far beyond a normal PEME carried out in ordinary clinics.**

## THE IMPORTANCE OF A COMPREHENSIVE PEME

### Case Profile:

- Crewman found to be infected with tuberculosis (TB) on board
- As a result, the whole crew had to be sent ashore at next port for a medical examination
- Another crewman, who was in close contact with the infected crew member, was also found to be infected
- Both were hospitalized and eventually had to be repatriated
- The vessel had to be disinfected by fumigation before her departure

### Loss Prevention:

The crewman could have had latent TB before being employed or could have contracted it at a port of calling. Had the crewman been subjected to a proper PEME, TB would have been detected via a chest x-ray or a blood test. Alternatively, if the crewman had stated he had not received any TB vaccination in his PEME Declaration, he could have been administered a vaccination before employment.

## LESSON LEARNT

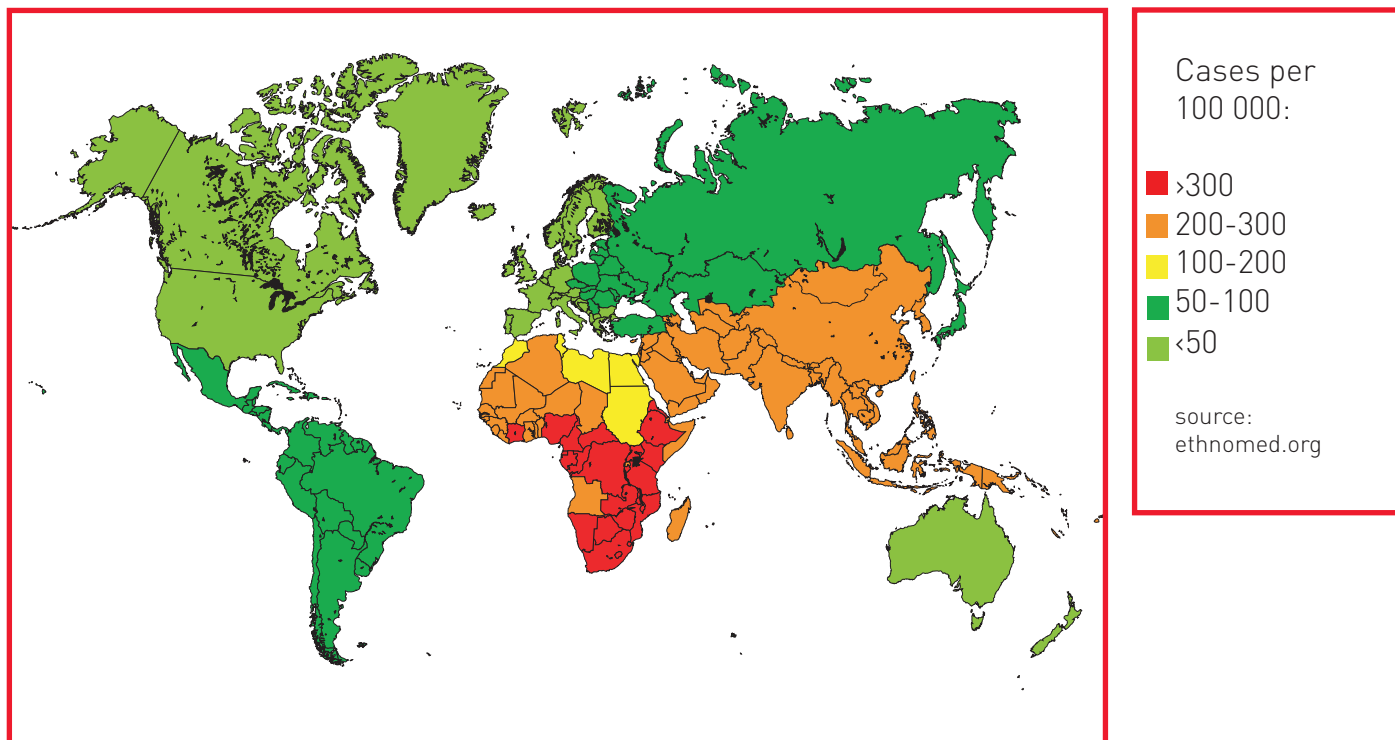
Total cost of case USD 116, 712



Tuberculosis is a lethal, infectious disease, which spreads through the air when people who have active TB cough or sneeze. It is transmitted very easily to others on board. Most infections are asymptomatic and latent, but 1/10 progress to active diseases. Diagnosis of active TB is done by a chest x-ray, as

well as microbiological culture of body fluids. Latent TB can also be detected by a tuberculin skin test or blood test. Treatment is difficult and requires administration of multiple antibiotics over a long period of time.

## GLOBAL TB INCIDENCE



2012 - TB cases on rise in **Kyrgyzstan**  
2011 - **Ukraine** has the highest TB prevalence in Eurasia  
2010 - **Indonesia** ranked 3rd globally in TB prevalence



## HOT TIPS

- Members should enquire with crewman at the PEME stage whether they have had a TB vaccination and if not, consider administering such vaccination
- Members taking Indonesian crew should be particularly careful as the vaccination programmes have not been instituted as thoroughly as in other countries
- If a crewman is diagnosed with TB on board, he should immediately be isolated and sent ashore for treatment at the next port. All other crewman should be examined and the vessel should be disinfected as soon as possible to prevent the spread of infection
- Maintaining good hygiene on board can prevent the spread of the infection

# / STAYING SAFE ON-BOARD

## DEALING WITH HOT FUEL

In the past few months, Skuld has been notified of an increasing number of personal injury claims dealing with burns from hot fuel and liquids.

In a recent case, the motorman was scalded by boiling fuel resulting in his left arm being badly burnt and injury to his eye (Total cost – USD 26,000). In another, the Chief Officer and Oiler sustained severe burns on their face (Total cost – USD 49,925). A large proportion of these accidents occurred due to hot fuel gushing out of valves due to high pressure.

### Cost escalation:

Costs incurred in such situations are not limited to medical expenses. Repatriation costs, replacement costs, compensation to the seafarer and lost wages can all add to the claim amounts. Simple precautionary measures during the inspection of machinery can prevent such accidents.

### Liability Issues:

Ship-owners can be found to be liable in Negligence Tort claims arising out of injuries sustained due to lack of training and instruction.

### Loss Prevention:

A lot of these accidents have been reported to occur due to crew not switching off machines completely before inspection. All crew must be well-trained in how to handle machinery to prevent such incidents.

### Risks associated with this type of maintenance

- Handling of hot solids, liquids, or molten metals
- Flying particles from milling, sawing, turning, shaping, cutting, etc.
- Heat treatment, tempering, firing of any metal or other materials
- Electric arc welding, glassblowing, torch brazing, oxygen cutting, laser use, etc.
- Handling of chemicals and gases

## ASK YOURSELF...

- What are the risks involved with each repair or maintenance operation?
- Is there a possibility for hot fuel or other items to impact face, head or eyes?
- What personal protective equipment (PPE) is required?
- Has the engineer/ crewman been given adequate training on how to do the job safely?
- Do you have up to date PPE on board?
- Has it been checked to ensure it is not damaged by crew or wear & tear?
- Is it clean and well-maintained?
- How long is its shelf life?
- Does he know when the PPE is required, how to put it on, remove and store it with care?

## LESSON LEARNT

Safety Goggles  
Face Mask/Shield  
Eye Protection for intense light sources  
Gloves  
Protective clothing

SHOULD ALWAYS BE USED



# / MENTAL HEALTH

With deaths aboard merchant ships resulting from depression and stress leading to suicide being reported from time to time, the damage to the seafarers, their families, and ship owners cannot be ignored.

As a result of being separated from their families and support networks for a long period of time, seafarers often feel very lonely. The high demand for crew and fast turnaround times of modern ships also often result in limited time for shore leave.

**The International Committee on Seafarers' Welfare booklet (ICSW 2009) cites loneliness, separation from spouses and families, stress, long working hours, harassment and bullying, fatigue, and addiction to alcohol and drugs as the main causes of mental illness on-board.**

Mental illness among seafarers is of growing concern and it's believed that mental health problems may contribute to many other physical health conditions that seafarers experience - such as heart disease, migraine headaches, stomach problems and back problems.

**It is imperative members educate crew on the symptoms of mental illness and provide them with adequate resources to help them deal with the problem.** It is important to remember that effective treatments are available – and the earlier a crew member seeks help, the better!

Crewman should be informed on how to help a seafarer who is depressed. Small gestures such as initiating conversation and listening to others on board can greatly help. Support provided to crew by management can also make a big difference to their mental health

## DEPRESSION CHECKLIST

To find out if you, or someone you know may have depression, complete the checklist below.

For more than **TWO WEEKS** have you:

1. Felt sad, down or miserable most of the time?
2. Lost interest or pleasure in most of your usual activities?

If you answered `YES` to either of these questions, complete the symptom checklist below. If you did not answer `YES` to either of these questions, it is unlikely that you have a depressive illness.

3. Lost or gained a lot of weight? OR Had a decrease or increase in appetite?
4. Sleep disturbance?
5. Felt slowed down, restless or excessively busy?
6. Felt tired or had no energy?
7. Felt worthless? OR Felt excessively guilty? OR Felt guilt about things you should not have been feeling guilty about?
8. Had poor concentration? OR Had difficulties thinking? OR Were very indecisive?
9. Had recurrent thoughts of death?

Add a number of ticks for your total score: \_\_\_\_\_

### What does your score mean?

(Assuming you answered `YES` to question 1 and/or question 2)

- 4 or less:** Unlikely to have a depressive illness  
**5 or more:** Likely to have a depressive illness.

The website [www.seafarersmentalhealth.org](http://www.seafarersmentalhealth.org) provides useful checklists that can be used for the early diagnoses and contains valuable information on how to deal with the situation.

### Case Profile:

- Filipino crew member jumped overboard
- Had informed Master and other crew members that someone was trying to kill him on previous occasions
- Stayed in his cabin most of the time and hardly interacted with other crew
- Real issue troubling him could have been his sister's serious illness
- Evident that he was distressed
- Unfortunately, Master took no action at the time
- Crew member had previously asked for compassionate leave, but was denied

### Liability Issues:

Under Section 20D of the POEA there is no entitlement for a wilful act of self-harm. However, denial of compassionate leave and the Masters inaction in the matter placed liability on owners.

### LESSON LEARNT



Claim Amount:  
**USD 58, 000**

Reparation of  
remains and  
funeral costs:  
**USD 20, 000**

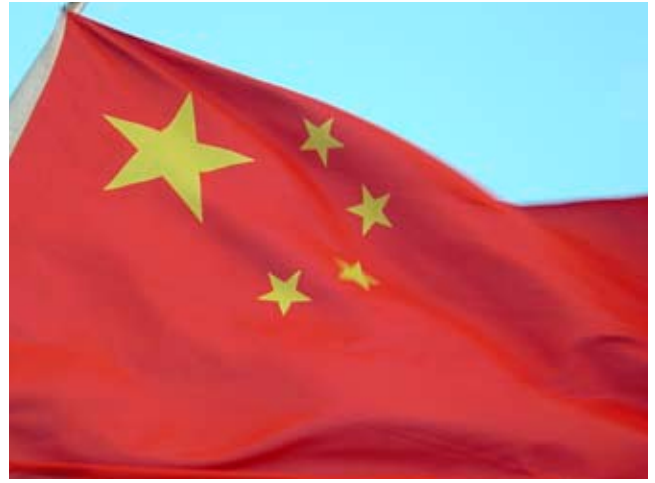
Final settlement:  
**USD 40, 000**

## HOT TIPS

- Educate the Master on identifying affected crew members
- Master must inform management as soon as he suspects anything
- Provide Master with adequate resources to help deal with affected crew members
- Create awareness onboard so as to reduce the stigma attached to mental health problems



# / CHINA WATCH



## Personal Injury Claims in China - Compensation No Longer Capped at RMB 800,000!

The P.R.C Supreme Court issued a Directive in 1992 outlining who should be liable for personal injury and death as well as providing the scope and methodology for calculating compensation. **This Directive applied to Maritime tort claims for compensation due to life or health of the injured being infringed in the operations at sea or in harbour in which the principals or facts of the case involved foreign interests.** A typical example would be an employment contract signed between a foreign shipowner and a Chinese seaman most significantly, the 1992 Directive capped compensation to RMB 800,000.

Previously, this Directive existed alongside another directive issued by the Supreme Court in 2003. The 2003 Directive did not provide any cap on compensation. It also applied specific provincial wage and living standards when calculating compensation.

While most Chinese courts applied the 2003 Directive after its introduction, some maritime courts still continued to apply the 1992 Directive. There was a lack of clarity regarding whether the 2003 Directive had completely superseded the previous one. **However, on Jan 14 2013, the Supreme Court abolished the 1992 Directive – leaving only the 2003 Directive in force.**

As a result, compensation for claims in tort will now not be capped at RMB 800,000 and will be subject to tonnage limitation provided in the PRC Maritime Code. **The effect of this will be not only be an increase in compensation claims brought under Tort law but compensation assessed under employment contract law can also be expected to rise.**

**All cases in progress will now be subjected to the 'uncapped' 2003 Directive.**

## Changes to Work-Related Injury Insurance Regulation

**The State Council revised the Work-Related Injury Insurance Regulation with effect from Jan. 1 2011.** The New Regulation introduces the following changes:

- 1. Expansion of Application:** In addition to enterprises and individual business operators, the new policy expands coverage to public institutions, social institutions, privately-owned non-enterprise entities and foundations.
- 2. Adjustment of Scope:** The New Regulation includes injury occurring to or from work as work-related injury, but fails to specifically define 'to or from work'. However, it provides that a worker will be deprived of insurance if he is primarily liable for his injury. It also deletes the provision that injury shall not be deemed work related if incurred as a result of a negligent crime or violation of the administration of public security. However, it adds that any injury as a result of drug taking by the employee will not be considered work-related.
- 3. Simplification of Procedures:** The New Regulation has simplified the procedure for the assessment of work-related injuries and reduced the time required to reach a final determination. It introduces administrative summary procedures and any case with clear facts will be decided within 15 days upon acceptance of application by the Labour Security.
- 4. Improvement in Benefits:** The New Regulation eliminates regional differences by unifying the payment standard to 20 times the disposable income of state urban residents in the previous year. The lump sum disable benefit payment has also been increased from one to three months' salary according to the disability level



# / LATEST FROM USA



Skuld New York recently saved Chinese owners up to USD 600,000 in Medical Fees by assisting and supervising Medical Case Managers who monitor crew being treated in hospital and assist with auditing hospital bills.

**SYMPATHETIC  
RESPONSIVE  
CULTURALLY AWARE  
CLAIMS HANDLING**

Some years ago, there was an accident on board a vessel owned by one of our Chinese members, in which an engineer sustained severe burn injuries and needed immediate medical attention in a very remote location. Skuld New York appointed experienced case managers to ensure the best medical treatment was received by the engineer and arranged a translator who visited the injured engineer daily. The area in which the engineer was hospitalized was very remote with only a few Chinese speakers in the neighborhood. Our team in New York sourced a Chinese speaker who also

owned the only Chinese restaurant in the area to assist the member's engineer. As a result of the excellent medical treatment and care during his stay in hospital, the engineer was able to be repatriated home to his family in China sooner than anticipated and he was very grateful to Member and Skuld New York.

Our Beacon magazine March 2012 Issue, which can be found on our website, contains more valuable information on Medical Auditing and Case Management in the USA.

## Skuld New York – A specialized team of PI experts here to help you



**Charles Anderson**  
Senior Vice President



**Renan Alamina**  
Vice President



**Pamela Milgrim**  
Vice President



**Cataldo Piccione**  
Vice President



**Carolyn Bundy**  
Assistant Vice  
President



**Ase Jensen**  
Senior Claims  
Executive



**Mindy Nelson**  
Claims Executive



**Christine Alicea**  
Office Manager

## SEAFARER AWARDED **USD 1.7 MILLION**

In a recent case, decided on Jan 7, 2013 by the Eastern District Court of New York, a crewman was awarded \$1.7 million under the Jones Act for an injury he sustained on-board while engaging in a process called "anchor pulling".

The crew of the vessel, including the plaintiff, had no experience in the task they were assigned - pulling anchors attached to floating pipelines. They also received no instruction or training on how to perform this safely. While pulling up the anchor, the plaintiff sustained injuries to his back. He underwent surgery and attended physical therapy for months after, but his back injuries were irreparable.

The owners of the vessel were found to have been negligent in not providing their crew with adequate training and instruction on how to perform the job safely. Under the Jones Act, an employer is liable to his employee if the employer's negligence played any part, even the slightest, in producing the injury or death for which damages are sought. The plaintiff was able to prove that the vessel was unseaworthy while he was performing the task as the owners failed to provide sufficient instruction or training.

The plaintiff was awarded nearly \$500,000 in lost wages, \$500,000 for past pain and suffering and \$700,000 for future pain and suffering.

## NEGLIGENCE UNDER THE JONES ACT

The federal Jones Act (passed in 1920) provides legal remedies for seaman who sustain injury resulting from the negligence of an operator or employer of a maritime vessel. Under the Act, the injured seaman can seek a jury trial and the seaman is only required to prove the employer's negligence was a case, however slight, of the seaman's injury. Examples of an employer's Jones Act negligence include providing an unsafe workplace or unsafe equipment, ordering work to be done in a dangerous way, failing to provide medical care to the seaman, or breaching a safety regulation or statute.



## HOT TIPS

1. Members are reminded to closely follow ISM - ensure all crew are well trained and instructed in all tasks required to be performed on-board. It is important crew members are well briefed on the risks of all activities entail. Ensuring all crew are trained and well informed about the nature of work they must undertake can save you millions down the road!
2. Reduce attempts to be sued in the U.S. – this can be done by putting together a solid employment contract that clearly specifies the law and forum applicable to all disputes. Stating only the law and not forum could result in the case remaining with the US courts but applying foreign law. Also make sure to provide for a dispute resolution process – a properly worded arbitration provision can prove to be extremely valuable.

# / WORLDWIDE NEWS

## MARITIME LABOUR CONVENTION (MLC) 2006

MLC will enter into force on 20 August 2013. To come into force, the MLC had to be ratified by at least 30 member States with a total share in the world gross tonnage of ships of 33%. This was achieved on 20 August 2012. Currently, 34 International Labour Organization (ILO) members have ratified the Convention, representing 68.2% of the world's gross tonnage of ships.

The primary purpose of the Convention is to regulate Shipowners' responsibilities towards seafarers serving on their vessels. To a large extent MLC is a consolidation of existing legislation, and so the vast majority of members should have no difficulty in complying with the substance of the Convention.

The Convention will apply to all commercial vessels over 500 GT which fly the flag of a State party.

The Convention covers a wide range of employment issues including:

- Minimum requirements for seafarers to work on a ship
- Conditions of employment
- Accommodation, recreational facilities, food and catering
- Health protection, medical care, welfare and social security protection
- Compliance and enforcement

## EFFECT ON SKULD'S P&I COVER

The relevance to P&I cover is limited to those sections relating to injury, illness and, to an extent, repatriation. While repatriation due to illness or injury or following a shipwreck will usually be part of the standard cover under a P&I policy, repatriation in other circumstances (for example insolvency) is generally outside the scope of insurance cover.

In an effort to assist owners, P&I Clubs in the International Group have agreed to provide cover for repatriation costs under MLC in the expectation that a Certificate of Entry will then be accepted by States as meeting the financial security requirements in respect of repatriation. This is given effect by

changes in Skuld Rules (Rule 7.1.7), effective from the 2013 policy year, under which repatriation under MLC is a covered risk.

Please contact your syndicate for more information on this.

# / MALARIA & DENGUE

## – MODERN DAY THREATS TO SEAFARERS

Although the estimated incidence of malaria globally has declined, that of Dengue has unfortunately dramatically increased in the recent decades. From time to time, Skuld is notified of cases involving malaria and dengue, some of which have had serious consequences. These mosquito-related diseases can make crewman extremely unwell and can even be fatal. It is of utmost importance that seafarers be aware of the risks and precautions to be taken when calling at ports in dengue-affected areas.

**IMPORTANT FACTS** Dengue is transmitted by the bite of *Aedes aegypti* mosquito. **These mosquitoes are active during the daytime as well as the night**, unlike the malaria mosquito which is mainly active between dusk and dawn.

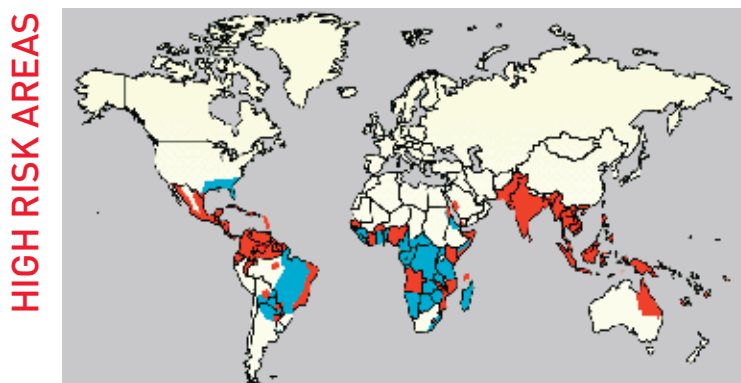
There is no vaccine available and there are no specific medications to treat a dengue infection, unlike malaria infections which can be treated with antimalarial medication. This renders prevention extremely important. **The only way to prevent Dengue is to avoid mosquito bites.**

The best way to reduce mosquitoes is to eliminate places where the mosquito lays eggs – any areas of stagnant water.

**SYMPTOMS** Symptoms of Dengue are similar to those of malaria and serious influenza. Symptoms include high fever, headache and muscle pain. In severe cases, complications such as respiratory distress, severe bleeding, organ impairment and fluid accumulation can be fatal.

A slight headache, mild-fever and flu-like symptoms are always reasons for concern and the medical officer should be contacted immediately.

Symptoms usually appear 4 – 10 days after being infected by a bite.



Source: [infectionlandscapes.org](http://infectionlandscapes.org)

Dengue is endemic in numerous countries, especially in tropical and sub-tropical climates worldwide.

**South-east Asia** and the **Western Pacific** are the most affected regions, followed by Africa, America and the Eastern Mediterranean

## HOT TIPS

- Create awareness on-board so crew members take measures to protect themselves from mosquito bites

- Keep track of travel and outbreak notices and be aware of the situation in the ports called at
- Provide supplies of mosquito repellent and mosquito nets on-board
- Instruct crew to wear long sleeves and pants for additional protection when calling at ports in high risk areas



WHAT TO LOOK  
FORWARD TO  
IN OUR NEXT ISSUE?

## SOME HIGHLIGHTS

- The Increasing Criminalization of Crew
- Educating crew on the importance of “culture” when interfacing with Port Authorities
- Pollution charges at various ports on the rise
- Working aloft – a Hazardous Tale

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