

MARITIME SAFETY COMMITTEE
109th session
Agenda item 19

MSC 109/19/7
23 September 2024
Original: ENGLISH
Pre-session public release:

WORK PROGRAMME

ISM Code-related matters for the consideration of MSC 109

Note by the Secretariat

SUMMARY

Executive summary: This document collects International Safety Management (ISM) Code-related matters that have been referred to the Committee for its consideration and decision, including those deferred from MSC 107 and MSC 108, in order to facilitate and streamline the Committees' proceedings.

*Strategic direction,
if applicable:* 6

Output: Not applicable

Action to be taken: Paragraph 7

Related documents: MSC 107/20, paragraphs 17.18 to 17.21, MSC 107/17/5; MSC 108/20, paragraph 13.6, paragraphs 16.12 and 16.13, MSC 108/16/1; III 9/19; MSC 108/13 and MSC 109/INF.3

Introduction

1 In order to facilitate and streamline the Committee's work, this document collects the ISM Code-related matters which need to be considered by MSC 109, as follows:

- .1 proposal for a new output on a comprehensive review of the International Safety Management (ISM) Code and related guidelines (MSC 107/17/5) submitted by Norway, as deferred by MSC 107;
- .2 relevant outcome of the second meeting of the Joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG), as deferred by MSC 108;
- .3 relevant outcome of the ninth session of the Sub-Committee on Implementation of IMO Instruments (III 9), as deferred by MSC 108; and
- .4 report of the Study on the effectiveness and effective implementation of the International Safety Management (ISM) Code (MSC 109/INF.3) submitted by the Secretariat.

Comprehensive review of the ISM Code and related guidelines

2 MSC 107 considered document MSC 107/17/5 (Norway), proposing a new output on a comprehensive review of the International Safety Management (ISM) Code and related guidelines. Following consideration of the proposal, together with information provided orally by the Secretariat, the Committee agreed to keep the proposal in abeyance until after the results of relevant studies, including the Secretariat's study on the ISM Code and related instruments, as well as the outcome of the Joint ILO/IMO JTWG, were available.

Outcome of the second meeting of the Joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG)

3 MSC 108 considered document MSC 108/16/1 (Secretariat), containing the report of the second meeting of the Joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG). In this regard, recalling the action taken at MSC 107 in relation to the proposal in document MSC 107/17/5, the Committee agreed to consider recommendations emanating from the JTWG in conjunction with other ISM-related matters (MSC 108/20, paragraphs 16.12 and 16.13).

Analysis on the ISM Code-related concern on unsatisfactory implementation of safety management systems

4 MSC 108 considered the report of III 9 (III 9/19 and MSC 108/13), and, bearing in mind that the effective implementation of the ISM Code, including the issues raised in document III 9/4, falls under the remit of IMO and these matters should be considered by relevant IMO bodies, agreed to refer the analysis on the ISM Code-related concern on unsatisfactory implementation (III 9/4) to MSC 109 for consideration and action, as appropriate, together with the proposal for a new output on a comprehensive review of the International Safety Management (ISM) Code and related guidelines (MSC 107/17/5 (Norway)), as well as the outcome of the Secretariat's study on the ISM Code and related instruments, and the ILO/IMO Joint Tripartite Working Group (MSC 108/20, paragraph 13.6).

Study on the effectiveness and effective implementation of the International Safety Management (ISM) Code

5 Following information provided orally by the Secretariat during MSC 107 (MSC 107/20, paragraph 17.19) and in document MSC 108/INF.4, the report of the Study on the effectiveness and effective implementation of the International Safety Management (ISM) Code commissioned by the Secretariat is set out in document MSC 109/INF.3, with a view to providing information for the Committee's consideration to support any possible regulatory action in the context of the ISM Code, with a view to responding to the needs of safe, secure, environmentally sound, efficient and sustainable shipping.

Consideration of recommendations

6 The following is a summary of recommendations on ISM Code-related matters referred to this session (see paragraphs 2 to 5), for consideration by the Committee, to:

.1 taking into account:

.1 the recommendations emanating from the JTWG (MSC 108/16/1, paragraphs 2.2 and 2.3);

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- .2 the analysis of the ISM Code implementation set out in relevant parts of document III 9/4; and
 - .3 the proposal in document MSC 107/17/5,

initiate a comprehensive revision of the guidelines on the implementation of the ISM Code by Administrations and companies, in particular resolution A.1188(33) on *Guidelines on the implementation of the ISM Code by Administrations* and MSC-MEPC.7/Circ.8 on *Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by companies*, including the addressing of the following elements, as recommended by the JTWG:

- .1 incorporate policies and procedures for the prevention of, reporting of cases of, response to, corrective action for, and documentation of violence and harassment, including sexual harassment, bullying and sexual assault, in safety management systems, including victim care and protection against retaliation; and the establishment of the company's safety management objectives, including the assessment of risks and establishment of safeguards;
 - .2 specify that safety management systems should ensure compliance with mandatory rules and regulations, including national requirements on violence and harassment, including sexual harassment, bullying and sexual assault, and that guidance from the industry organizations is observed;
 - .3 apportion responsibilities on the company's senior management and Administrations on addressing cases of violence and harassment, including sexual harassment, bullying and sexual assault, and provide adequate resources for shipboard and shoreside management and response, including medical care which includes mental health support for victims; and
 - .4 ensure training and familiarization of seafarers and designated shoreside personnel on relevant company policies and their implementation;
- .2 taking into account recommendation 2 in the report of the Study (MSC 109/INF.3, annex), review the PSC guidelines in relation to the ISM Code, in order to ensure that the provisions of the ISM Code are being implemented consistently on all ships;
 - .3 taking into account:
 - .1 the proposal in document MSC 107/17/5;
 - .2 the recommendations emanating from the JTWG (MSC 108/16/1, paragraph 2.2); and
 - .3 recommendation 3 in the report of the Study (MSC 109/INF.3, annex),

initiate a review of the ISM Code, to identify elements that could be revised to improve its effectiveness and implementation. In this connection, based on the results of the JTWG, agree that the Committee should not consider amending the ISM Code (in the context of the work carried out by the JTWG), at this stage, but consideration of relevant amendments to the ISM Code could be revisited at a later stage.

The preliminary assessment of the proposal in document MSC 107/17/5 is set out in annex 2 to document MSC 107/WP.2. In line with that assessment and depending on the outcome of considerations at this session, the Committee is invited to decide whether an output on "Comprehensive review of the International Safety Management (ISM) Code and related guidelines" should be included in the biennial agenda of the HTW Sub-Committee for 2026-2027, and the provisional agenda for HTW 12, with a target completion year of [2028], in association with the III Sub-Committee, as and when requested by the HTW Sub-Committee;*

- .4 taking into account recommendation 4 in the report of the Study (MSC 109/INF.3, annex), initiate a holistic review of instruments dealing with resources and personnel;
- .5 taking into account recommendation 5 in the report of the Study (MSC 109/INF.3, annex), establish measures to address training of those involved in the implementation of ISM provisions on non-technical skills to optimize the human contributions to organizational safety; and
- .6 taking into account:
 - .1 the analysis on the ISM Code-related concern on unsatisfactory implementation set out in relevant parts of document III 9/4; and
 - .2 recommendation 6 in the report of the Study (MSC 109/INF.3, annex),

enhance capacity-building on the effective implementation of the ISM Code and its related instruments.

Action requested of the Committee

7 The Committee is invited to consider the information provided in this document, and take action, as appropriate.

* The scope of any work to be carried out would be defined based on the outcome of discussions and subsequent decisions of the Committee.