

Commercial Pressures versus Safety at Sea: Also a matter of trust.

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Occupational health and safety (OHS) matters at sea is a topical issue for the shipping industry. It is the consensus, both from the industry and researchers, that there is a deficit in decent work for the seafaring labour force. Attempts at addressing this deficit rest largely on global regulatory mechanisms in the form of international conventions promulgated by the two main bodies with oversight for the industry. These are the International Labour Organization and the International Maritime Organization. These conventions are given effect at the national level through member State laws and regulations. Despite a proliferation of conventions, regulations and systems to ensure safety at sea, the outcomes are less than desired. This is particularly acute for the OHS of seafarers where the evidence continues to demonstrate that seafarers bear excess risk of ill-health and injuries when compared with other high risk land-based industries such as construction.

This contribution was prompted by the publication of a recent casualty investigation report where, among other things, commercial pressure was identified as a possible cause of death of a seafarer. What is interesting is that remedial actions addressed the now conventional route of conducting risk assessment and implementing rules and procedures. While these mechanisms have their place, this contribution argues that they will not address the issue of commercial pressure which is a more pervasive factor and needs an international response involving trust building.

The *Freya* Casualty

The final report into the September 2014 casualty involving the Dutch-flagged containership, *Freya*, was completed late last year (2015) and made public on the Dutch Safety Board website. Four points were mentioned as contributory factors:

- 1) That there were no specified procedures in the safety management system for lashing (the procedure that was being carried out at the time of the incident);
- 2) That no risk assessment had been conducted for on-board procedures of that nature;
- 3) That the seafarer was not wearing a lifejacket or hi-vis clothing, and no safety harness, contrary to rules; and
- 4) That commercial pressures may have led to the seafarers' commencing lashing work in preparation for port arrival.

As the experience has been in the industry, remedial actions focussed on the first three of these factors. These readily point to human actions that the industry is attempting to curb in its relentless efforts at making shipping safe. The last of the four factors is a more challenging matter which seems

remote from the influences of the regulators and policy makers in the industry. Commercial pressures are difficult to prove. In the final analysis it was the individual act that resulted in the casualty. The industry tend to use terms like “violations” and “lack of situational awareness” to explain such behaviours. These terms emphasize the human element in accident narrative which rests on the notion that over 80% of accidents at sea results from human error. While a “no blame” culture is encouraged, it has not matured as standard practice in the industry. Seafarers still report being blamed for incidents and, in cases of this nature, it may be difficult to avoid blaming the seafarer as he reportedly violated the rules. However, I assert that commercial pressures are equally, if not more, significant factors than safety procedures and safety systems. Commercial pressures should therefore not be just a statement in passing. The industry needs to realize that its efforts at managing and reducing risks will be in vain if it does not find a way to address the issue of commercial pressures. At present, the shipping industry’s safety rhetoric regarding the human element does not lend itself to an exploration of the broader, more structural and pervasive issues underlying many casualties at sea.

“Produce or Perish” – Time as the enemy.

Those of us more sympathetic with the working conditions of seafarers, will recall the numerous other occasions where commercial pressures were suspected in seafarers’ fatalities or injuries or a major maritime casualty. One noteworthy example is the *Herald of Free Enterprise* casualty, which became a pivotal juncture in the institutionalization of quality management systems in shipping, notably, by way of the International Safety Management Code (ISM). While there is no doubt that the ISM does have value in the shipping industry’s safety regime, introducing global management standards where there were none, it does not address the underlying issues such as commercial pressures that determine safety violations.

In the *Freya* report, the investigators commented that:-

(Safety) Rules are there for a reason and are based on years of experience and continuous improvements. Rules cannot simply be exempted because a different approach seems more practical at a glance.

However, what we have discovered from this and other casualties, is that the rules are indeed exempted, by-passed or amended at the moment, to serve the apparent greater cause, profit. Both workers and management are caught in a web of “produce or perish,” a web that is resistant to any behaviour-based safety management system that does not provide for the idiosyncrasies of the broader political economic factors driving the industry.

The investigation report also noted that from the statements given, there was a suggestion that the seafarer acted in order to save time. The ship was heading to port and preparation for arrival had begun, which involved unlashings containers. Although the rule is for all containers to remain secure until the ship has berthed, there is an unstated/adapted working practice that inner lashings may be removed while the vessel is underway. As mentioned in the report (p.14), "The captain had thought that the implemented working method was correct, as he had learned this when he started sailing on board container vessels." These unstated rules permeate the industry but are only made apparent when something goes wrong. In the course of "production," the end goal being profit, ways are found to increase efficiency which may involve risks beyond those identified or acknowledged. However, what occurs on a moment-by-moment basis on board ships does not concern the charterer, the port nor the consumer awaiting the arrival of an order. All these, and other actors, play a part in the constant struggle against time. The report further noted (p.15):

Disconnecting the innermost lashing rods prior to arrival saves time in port, allowing container unloading to start more quickly...The unloading locations often want to start loading or unloading straight away. It has even happened that attempts have been made to hoist containers from the ship before it is berthed.

The Vulnerable Seafarer

In a recent publication, Walters and Bailey (2013) highlighted the conflicts between profit and seafarers' health and safety. They reiterated the perils of working at sea and contended that the occupational hazards were a "consequence of the way in which the business of maritime transport is conducted" (p.1). Occupational hazards resulting from the nature and organization of work is not unique to the shipping industry. Land-based enterprises also suffer from the same malaise where the pursuit of profit is paramount and the consequences for workers' health and safety are in many instances disastrous. Workers are susceptible to the pursuit of profit, as our current example intimates. In an effort to get the job done, workers oftentimes put their safety at risk which is only discussed as a matter of hindsight, after an unfortunate outcome, when perhaps breaking the rule was the norm (as the *Freya's* Captain suggests). The solution then is to appeal to workers to "follow the rules." They are perhaps admonished for violating the health and safety management system, and more rules and procedures may be put in place in a continuous cycle which does not necessarily translate into continuous improvement, as is the aim of a safety system.

In investigating the sociology of industrial injury with respect to land-based enterprises, Nichols (1997) unearthed the tendency to prioritize productivity and profit over safety, notwithstanding the

existence of explicit rules and procedures for working safely. Based on detailed studies of injury rates, Nichols noted that workers were vulnerable to structural features of their work.

These structural features are characterised by unwritten rules and pressures to meet production targets and are mediated by the relative power position of labour to capital and the State. Supervisors, line managers and foremen are known to turn a blind eye to violations as workers cut corners in the name of productivity. This turning of a blind eye extends to upper level management as they are more concerned with the bottom line and shareholders. The State plays its part with the political and economic agendas it pursues. As such, when one blends the pursuit of profit which hinges on productivity, in a neo-liberal political economy that sees protective regulations as inimical to economic development, the outcome for health and safety at the workplace is not positive. As Nichols (1997, p.105) categorically put it:

When directors and take-over bidders assess the health of a company, it is balance sheets that they look at, not medical reports on the health of workers. In capitalism's language of priorities, it is not safety that comes first, but profit.

Such casualties, as occurred on the *Freya*, only take a moment. One moment when the worker has to decide on an action to keep production going - make up for lost time, to be ahead of time or to create time for contingencies. *Time* is a critical asset in business. As the saying goes "time is money," this is very real for shipping. The seafarer is also cognizant of the need to maintain production time and the consequences of not doing so. Production for the seafarer means arriving at port prepared, and discharging and loading cargo on time to meet other sailing schedules and ports of call. For example, missing the slot in the Panama Canal costs thousands of dollars in lost time.

The seafarer is also bound by the structure of his employment contract. Job insecurity aboard ships are among the social factors which inhibit effective safety management (Bhattacharya 2009). The nature and organization of work at sea breed social conditions that undermine safety management systems. Thus the seafarer toils under the perception that he must display work attributes that will ensure his next contract. That one moment on the *Freya* may have been generated by all, or a combination of these factors which are the building blocks of the seafarers' vulnerability.

To further illustrate, a study into risk perception and safety management indicated that where management appeared to take safety seriously, not only in "speak" but also in action, seafarers were more inclined to operate safely, followed procedures and adhered to safety systems. In this example they believed and trusted management and its avowals that safety was important. Conversely, in another company with systems in place, but with unwritten messages that commercial priorities took

precedence, fear and mistrust drove operations. Commercial priorities were demonstrated by low budget allocation to safety matters compared with other areas such as environmental concerns. The seafarers' perception was that the company was more concerned with public image. They were aware of the penalties for halting production in the name of safety (Bailey et. al. 2012). This study demonstrated the importance of trust, as an element in safety. Safety cannot be only rhetorical, but must be supported by action. Appealing to seafarers in hindsight to follow the written rules and procedures, and putting more rules in place, may be an exercise in futility if they are perceived as empty posturing. Shipping is safe on paper. A safety system with rules and procedures for continuous improvement are important and serve proactively to address safety at sea, as against the traditional reactive nature of shipping, but it is the practice that must align with the theory, and trust is an important element of this practice. The practice here refers to the unwritten rules that drive activities.

This is the substance of being vulnerable. These are the risks, whether real or imagined, against which safety systems are powerless, unless mechanisms are in place to mitigate such risks. A part of the solution is for the industry to engender trust in the working relationships. The unwritten rules ought to be laid bare and States exhibit the political will to eliminate these through strict enforcement of statutory provisions already in place, education, and awareness creation of best practices, similar to the route being taken for the more technical aspects of safety, but as we have repeatedly seen, the industry needs to go beyond the technical. Such political will should demonstrate to the seafarer that the industry is serious about his safety and in so doing engender trust.

Building Trust as a Solution

Anand (2015) writing in Issue 39 of **Alert!**, affirms that organizations exist to make profit and this conflicts with safety. He also affirms that what may appear as safety violations on the part of the seafarer are adjustments to get the job done, which may result in injuries or a major casualty, as I have discussed here. Anand proposes a methodological approach to managing health and safety at sea. He recommends the adoption of the Functional Resonance Analysis Method (FRAM) which attempts a holistic approach to health and safety. The method aims to take cognizance of the complex socio-technical system aboard ships which he contends can bring the "...subtle details of workplace culture and the values and perceptions of workers..." to light. This solution may assist in shedding light on the vulnerabilities, which brings us full circle to the question of how will they be addressed? The FRAM method, however commendable, still speaks to operations at the level of the undertaking, it does not provide the solution for the broader forces at work.

On-board efforts need to be supported by political will and acceptance of the damaging effects of a neo-liberal political economy. Shipping also needs to expand its repertoire of health and safety

solutions to the underpinning causes. Commercial pressure as a factor in maritime casualties is no secret. The nature of the global neo-liberal political economy, driven by competition, just-in-time, door-to-door services, efficiency, productivity and profit, leaves little room for workers' safety. The trust mechanism needs to expand beyond the individual ship or company. While there are those responsible companies who "walk the talk," others may need external encouragement. If seafarers do not find that trust on board to encourage safe operations, then they should find it in the industry in general.

A global consensus is necessary to address the problem of worker vulnerability. Safety should be discussed in absolute terms, as an end in itself and not relative to profit. As it stands, safety (and health) of workers are negotiated. Compromises and trade-offs are made in setting international, regional and national safety standards. Mechanisms such as the right to refuse unsafe work, are plagued by legal technicalities which serve more to dissuade the practice than empower workers in protecting their health and safety (Hilgert 2013). Such mechanisms are but niceties in the regulatory framework for shipping, they are not discussed and far from being among the enforcement strategies. However, if implemented, they would go a far way in demonstrating to the seafarer that safety is a priority. Building trust is the next stage of safety management. It must be said, it must appear to be done and it must be done.

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