

NMOHSC GUIDELINES TO SHIPPING COMPANIES ON DRUG ABUSE

1. Introduction

1.1 Drug abuse by seafarers is extremely dangerous. An individual seafarer who abuses drugs is likely to be an ineffective worker and poses serious hazards not only to him or herself, but also to the safety of ship, fellow seafarers, other persons on board such as passengers and the marine environment. Drug abuse can be highly costly to shipping companies and also to seafarers – those who abuse drugs and those who work alongside them – and their families.

1.2 In addition, the unauthorised presence of drugs on board a vessel can have serious legal implications for companies and individuals. Actions include fines, imprisonment and even the death penalty for individuals, as well as detention of the vessel and heavy fines for masters and ship operators.

1.3 For this reason it is considered important that shipping companies adopt policies on drug abuse as part of their health and safety policies.

1.4 A policy which follows the guidelines set out in this document will enjoy the support of the trade unions NUMAST and RMT.

1.5 In this advice, “drug abuse” means the use of illegal drugs, substances such as solvents and prescription medication taken other than in accordance with a prescription from a medical practitioner, which harm or have the potential to harm the individual (both physically and mentally) and, through the individual’s actions, other people and the environment.

2. Aims

2.1 The policy should aim to:

2.1.1 promote the health, safety and welfare of seafarers;

2.1.2 prevent drug abuse;

2.1.3 maintain a safe and effective shipboard environment;

2.1.4 educate seafarers on the harmful effects and consequences of the unauthorised possession and abuse of drugs;

2.1.5 identify seafarers who abuse drugs;

2.1.6 eliminate the presence on board of unauthorised drugs;

2.1.7 provide instruction for staff who have special responsibilities for implementing the policy.

3. The Policy

3.1 The policy should be in writing and should:

3.1.1 indicate concern for the health and welfare of employees, shipboard safety and the environment;

3.1.2 state that its purpose is to eliminate drug abuse;

3.1.3 provide for suitable educational material to be supplied to management and employees;

3.1.4 state that it is company policy not to employ drug abusers. This should be made clear in terms and conditions of employment;

3.1.5 set out clearly the company policy regarding testing for drugs. For further guidance see section 5 below.

3.1.6 indicate that identified drug abusers will be subject to company disciplinary procedures and that the penalties for testing positive for unauthorised drugs or possessing unauthorised drugs include summary dismissal from employment;

3.1.7 provide for any seafarer who believes he or she may be dependent upon drugs or an abuser of drugs to receive treatment in accordance with Section 8 below, strictly on condition that he/she informs the company of this voluntarily;

3.1.8 state that any seafarer who believes he or she may be dependent upon drugs or is an abuser of drugs will be provided with assistance by the company only if he or she informs the company of this voluntarily;

3.1.9 provide for the policy to be monitored and reviewed;

3.1.10 state that the company will co-operate with Customs' authorities and other regulatory bodies as necessary.

4. Legally-Available Medications

4.1 Companies should be aware that medications which are widely and legally available and those which are available only on prescription from a medical practitioner may produce side-effects when taken which might affect the work performance or ability to carry out emergency duties of a seafarer.

4.2 For this reason the company should require any seafarer who is taking such medication whilst on board ship to inform the Master or appropriate Head of Department of this fact at the earliest opportunity.

5. Implementation

5.1 This should include:

5.1.1 designating a director with overall responsibility for the policy;

5.1.2 ensuring that the policy is understood by all staff;

5.1.3 obtaining the support of the employees and/or the maritime trade unions for the policy;

5.1.4 providing up-to-date information on the dangers of drugs and the characteristic signs of drug abuse. This might involve, for example, the provision and distribution of leaflets and posters, discussion sessions on board and the use of safety committees.

6. Testing

6.1 Pre-employment, periodic, post-incident, “for cause” and/or unannounced testing for drug abuse may be carried out as part of a balanced, co-ordinated company policy. Such testing should usually be by means of urine screening but must always be carried out under controlled, “chain of custody” conditions.

6.2 Testing should be undertaken with due regard to medical ethics and testing methods and procedures should respect the dignity of male and female employees.

7. Disciplinary procedures

7.1 Because of the dangers to safety caused by drug abuse and the legal implications arising from the presence of unauthorised drugs on board ship, disciplinary procedures should be applied to any seafarer who tests positive for unauthorised drugs or who is found to have unauthorised drugs in his/her possession, in accordance with the company’s disciplinary code.

7.2 In all cases in which a seafarer on board ship or reporting for duty has tested positive for unauthorised drugs or been found in possession of unauthorised drugs, the penalty of summary dismissal will be appropriate.

7.3 In other cases summary dismissal may be appropriate depending on the circumstances of the case. It is considered important that the penalty applied should be proportionate to the offence committed.

8. Assistance and treatment

8.1 Where a seafarer has voluntarily informed the company that he/she had consumed unauthorised drugs, he/she should be removed from shipboard duty. A seafarer with a drug-related problem should be given leave of absence on grounds of ill-health. The company personnel manager, designated welfare officer or medical adviser should be informed and the process of remedial action initiated.

8.2 The seafarer should be required to undergo prescribed counselling and, if necessary, treatment in confidence. The Dreadnought Unit at St Thomas' Hospital is one centre which can provide treatment.

8.3 When the seafarer is fit to return to sea following treatment, close and regular contact with the seafarer should be maintained by the Master or a designated officer to monitor progress.

8.4 Disciplinary procedures should be invoked only if treatment is refused or is unsuccessful, or if the seafarer commits a breach of the company drug abuse policy following treatment.

References and Useful Publications

Drug Misuse At Work – A Guide For Employers
Health and Safety Executive, January 1998
<http://www.hse.gov.uk/pubns/indg91.htm>

Guidelines on Ethics for Occupational Physicians
Royal College of Physicians

Code of Conduct for the Merchant Navy (2001)
The Chamber of Shipping

Master's Guide to Shipboard Disciplinary Procedures (2001)
The Chamber of Shipping

Drugs – What You Should Know (1998)
The Chamber of Shipping

Drugs Guide (2000)
The Chamber of Shipping