



ACCIDENTS AT SEA & ASHORE: MITIGATING THE RISKS OF MARINE INJURY CLAIMS

By Richard Meikle &
Michael Fowkes

Working with shipping companies, P&I Clubs, lawyers and individuals, master mariners Richard Meikle and Michael Fowkes provide the expertise to investigate personal injury claims and support clients through the process and, when necessary, in Court. In this article, they offer guidance on the causes and risks to crew and passengers at sea and ashore.

Personal injuries are a recognised concern across the marine industry, both ashore and onboard vessels.

The daily working conditions onboard a ship are without question challenging, with seafarers subject to unique circumstances which are not often comparable to other industries or occupational hazards.

Shift work, extended periods at sea and multi-national crews rotating through a variety of vessels all contribute to an increase in risk which can result in personal injuries.





These conditions not only expose seafarers to an increased level of physical risk, but also increased exposure to other health concerns related to mental well-being, such as depression, social deprivation and physical wellness.

Due to the conditions found on most trading vessels, there are not a lot of opportunities for sports and leisure activities which can help seafarers to maintain a sense of both physical and mental well-being.

SHIPBOARD SAFETY

The majority of personal injuries happen as a result of negligence, lack of training or the failure to follow safety procedures. These injuries can range from cuts and scratches to more serious life changing wounds or fatalities.

In many shipping companies, shipboard safety has improved greatly since the implementation of the International Safety Management (ISM) code which is an international resolution of the International Maritime Organisation (IMO). Through the implementation of the code, companies became aware of the requirements to carry out operations safely and to provide their crews and workforce with the ability to operate in challenging environments in a safe manner.

It is often found that a person's safety behaviour and risk perception varies depending on their nationality, age, gender and vessel type experience. Safety behaviour relates to the choices made prior to a task, such as the use of personal protective equipment.

The four most commonly admitted behaviours which lead to a personal injury are:

- 1. I VIOLATE PROCEDURES TO GET THE WORK DONE**

- 2. I CHOOSE NOT TO USE MY PROTECTIVE EQUIPMENT**

- 3. I ACCEPT SMALL RISKS DUE TO WORK PRESSURE AND TIME CONSTRAINTS**

- 4. EVEN THOUGH I AM TIRED, I WORK TO ENSURE THE JOB IS DONE**

A person's risk perception relates to the ability of an individual to assess the risk before commencing a task and this will differ from person and person. The risk in a task is never viewed the same by two different people.

Even though ship crews are well trained and knowledgeable about common mistakes and lapses in judgment, conscious decisions still occur which often have the potential to result in an injury.

CAUSES AND EFFECT

Suffering an injury onboard a ship can have a considerable impact on the crew member's family and their work colleagues.

Personal injury claims often result in insurance claims and legal action, putting additional strain on both the ship owner or operator and the injured person and their family.

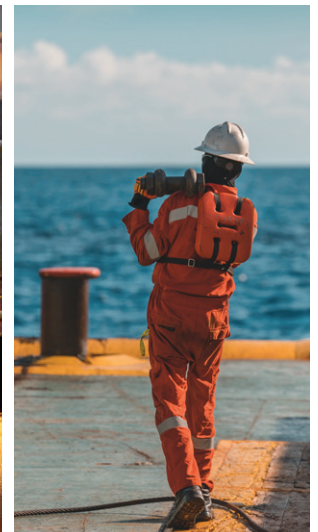
The most common injury types are found to be strains and sprains or twists, breaks and fractures, bruising, cuts or piercing injuries, striking injuries, crush or trap injuries, foreign body in the eyes or body, amputations and burns.

The majority of these injuries occur whilst working on deck during loading/unloading, lashing and unlashng, mooring and anchoring operations and general maintenance tasks. Injuries within the engine room are most often a result of maintenance and repairs, lifting and cleaning tasks.

In addition to operational marine tasks, it is common to see injuries sustained by the ship's galley staff, mainly concerning burns, cuts and sprains.

Even with proper training and fully compliant vessels and crews, human behaviour remains a risk. A simple error of judgment or machinery damage could be the end of someone's career or life and the beginning of a long and costly lawsuit.

PERSONAL INJURY CLAIMS OFTEN RESULT IN INSURANCE CLAIMS AND LEGAL ACTION, PUTTING ADDITIONAL STRAIN ON BOTH THE SHIP OWNER OR OPERATOR AND THE INJURED PERSON AND THEIR FAMILY



AREAS OF EXPERTISE

With our extensive industry wide knowledge, TMC Marine can investigate and provide expert support across the wider marine sector.



COMMERCIAL SHIPPING

Injuries and fatalities resulting from cargo operations, falls from height, enclosed space fatalities and loss overboard are among the personal injuries that have been investigated by TMC consultants.

CRUISE AND FERRY

With the continual growth of passenger numbers on larger and more diverse ships, the likelihood of passenger and crew claims also rises. From simple trips, slips and falls, to heavy weather incidents and injuries sustained while ashore, a large scope for potential claims exists in this sector.



FISHING

Known as the most dangerous of professions, fishing operations are lightly regulated, with injuries and fatalities occurring regularly. Our in-house experts have operated fishing vessels and investigated numerous accidents.

LEISURE

Injuries in the leisure sector cover recreational activities including yachting, power boats, canal boats and many others. From carbon monoxide poisoning to fatal falls overboard, the type of accidents in this sector are wide and varied, which is perfectly suited to TMC's approach to supporting clients.



SUPERYACHTS

The growth of the superyacht industry, with larger and more complex vessels carrying high net-worth individuals, means claims can be complex and have a significant potential cost.

TMC MARINE EXPERTS



MICHAEL FOWKES

Michael Fowkes's diverse industry experience spans a variety of sectors as senior officer, Master and safety officer, underpinned by an academic MSc in sustainable marine operations. Specialising in safety operations and safety leadership provides an understanding about the complexity of personal injuries and the events which lead up to such incidents. Michael has provided evidence to courts around the world related primarily to personal injuries and fatalities within the merchant, recreational and commercial fishing sectors. He provides expert reports, analysis and courtroom testimony.



RICHARD MEIKLE

Richard Meikle's seven years at MAIB (Marine Accident Investigation Branch) involved the investigation of personal injury claims across the commercial shipping industry, including cargo related cases, falls from height and unsafe working practices worldwide. The breadth of Richard's MAIB scope also covered the investigation of fishing vessel fatalities, super yacht accidents and fishing/workboat operations that resulted in personal injuries and fatalities. His remit also includes leisure and recreational incidents that attract significant media headlines and news coverage.



For more information about marine injury claims, please contact Richard Meikle, email rm@tmcmarine.com or Michael Fowkes, email mf@tmcmarine.com



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