

FFA MTCS RELATING TO OBSERVER SAFETY

9. Observers

- (a) The operator and each member of the crew of a vessel shall allow and assist any person identified by an FFA member as an observer to:
 - (i) board the vessel for scientific, compliance, monitoring and other functions;
 - (ii) embark at a place and time agreed to;
 - (iii) have full access to and use of all facilities and equipment on board which the observer may determine is necessary to carry out his or her duties, including:
 - (A) full access to the bridge, fish on board, and areas which may be used to hold, process, weigh and store fish;
 - (B) remove samples;
 - (C) full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying;
 - (D) reasonable access to navigation equipment, charts, and radios;
 - (E) other information relating to fishing;
 - (iv) disembark at an agreed place and time; and
 - (v) carry out all duties safely.
- (b) The operator or any crew member of the vessel shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.
- (c) The operator shall provide the observer, while on board the vessel, at no expense to the licensing member, with officer level accommodation, food and medical facilities.
- (d) The following costs of the observer shall be met by the operator:
 - (i) full travel costs from the licensing member to and from the vessel as applicable;
 - (ii) salary or allowance, as applicable;
 - (iii) full insurance coverage for the observer to and from, and on, the vessel, which shall include the components set out in paragraph 9A(e)(ii-iii);
 - (iv) a two-way communication satellite device and a waterproof personal lifesaving beacon, and the operating costs of such devices, as required and specified by the observer service provider; and
 - (v) all other costs associated with observers performing their duties as an observer.

9A. Observer Safety

- (a) The operator shall be responsible for the health and safety of the Observer while he or she is on board the vessel throughout the duration of the trip.
- (b) The operator shall immediately rectify any conditions that may cause serious health and safety issues to the observer, not limited to availability of basic safety equipment and general sanitation, on board the vessel.

- (c) The operator shall immediately cease fishing, report to the observer service provider and facilitate the replacement and transfer¹ of the observer under the following circumstances:
- (i) where the observer is incapacitated from performing his or her duties due to sickness or injuries that require immediate medical attention;
 - (ii) where the health, including mental health or safety of the observer is at risk;
 - (iii) where the observer has been assaulted, harassed or intimidated; or
 - (iv) where the operator has been directed to do so by the observer service provider or the licensing authority for reasons of the safety and wellbeing of the observer.
- (d) Where the observer is missing or presumed fallen overboard, or as applicable where the observer has passed away, the operator shall:
- (i) immediately cease all fishing activities, activate search and rescue protocols then conduct a search immediately for at least 72 hours or as otherwise directed by authorities;
 - (ii) report the incident immediately to the observer service provider including the vessel's position where the incident happened;
 - (iii) alert other vessels in the vicinity by using all available means of communication;
 - (iv) whether or not the search is successful, return the vessel for further investigation to the nearest port as designated by the observer service provider; and
 - (v) provide a full report to the observer service provider and appropriate authorities on the incident and fully cooperate with the investigation, while remaining in port until further notice.
- (e) The operator shall be responsible for the following, as required and specified by the observer service provider:
- (i) the cost of all safety equipment to be used by the observer;
 - (ii) in the event of injury or illness of the observer, full repatriation and medical costs, as applicable, where the observer is returned to port for medical reasons;
 - (iii) in the event of injury or death of the observer, to pay for the autopsy, funeral expenses, and adequate costs for medical, repatriation, loss of earnings, and other related expenses as applicable;
 - (iv) in the event of death of the observer, to ensure that the body is well preserved for the purposes of an autopsy and investigation.
- (a) The operator shall assist the observer service provider to replace or disembark the observer at the nearest port where any member of the immediate family, namely spouse, child or parent, is seriously ill or has died.

¹ The operator shall consult with the observer service provider, and the replacement and transfer of the observer shall only take place with the consent of the observer service provider. At the direction of the observer service provider, the operator may be ordered back to port.