



The Master's Authority: a Vital SMS Caveat

By Capt. Katharine Sweeney

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As safety management systems (SMS) on board vessels evolve, the vessel's master still holds ultimate authority.

Subchapter M is finally underway. A starring role in this new CFR is a safety management system onboard all vessels. While this system dictates how the vessel is to be operated and under what parameters, a key principle of any SMS is that the Master has the authority and the responsibility to override the SMS when safety of the crew, the vessel, or the environment is at stake.

There are hopefully good (and well documented) reasons why a company has chosen a particular individual to be master of its vessel

and entrusted him or her with the capital asset, and capital liability, of the company. The master is the individual responsible for the overall operation of this vessel while underway or tied up to a dock. While the company has provided an SMS, there is no way the company could anticipate every situation that could arise on a vessel. That is where the master's authority comes into play.



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Master's Authority Defined

Straight out of the International Safety Management (ISM) code, from its very inception, is the concept of the master's responsibility and authority. According to the code, the company should clearly define and document the master's responsibility with regard to:

1. implementing the safety and environmental protection policy of the company;
2. motivating the crew in the observation of that policy;
3. issuing appropriate orders and instruction in a clear and simple manner;
4. verifying that specified requirements are observed; and
5. periodically reviewing the SMS and reporting its deficiencies to the shore based management.

The code also states that a company "should ensure that the SMS operating on board the ship contains a clear statement emphasizing the master's authority. The company should establish in the SMS that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the company's assistance as may be necessary." These are strong words that inspire a certain pucker factor, as they call to mind any number of potential underway emergencies.

Also, and no less important, the code also requires that a master be: properly qualified for command, fully conversant with the company's SMS and that he/she be given the necessary support so that the master's duties can be safely performed."

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Imagine a master being required to get approval from the office prior to responding to an emergency situation. Imagine, this same master not being able to reach the office to get this approval. An example would be the master wanting to engage the salvage tug prior to hitting the rocks. The master's authority is an extremely important caveat all companies must spell out in their procedures. The master must understand this basic tenet, how it works, when to use it, and any further action that is required in case this tenet is used.

Far better for a master to explain his or her actions to the company, then at a formal USCG hearing. As a currently licensed master mariner, a company may choose to no longer employ me as master because of my actions. However, if I have the same conversation with the USCG, my license may be at stake, at which point the option of working for the same company, or any company for that matter, as master may be mute.

The View from AWO and the RCP

The AWO's Responsible Carrier Program is not silent on the matter of the Master's Responsibility. The RCP stipulates that policies and procedures outlining the safety of the towing vessel are the responsibility of the master. The master is responsible for compliance with applicable local, state, federal, and international regulations and with the vessel's SMS. The master must review the contents of the vessel's SMS and report non-conformities to shore-base management, and ensure supervision of all persons onboard in carrying out their assigned duties. The company must outline the details of the master's reviews, including elements such as the frequency, scope and reporting requirements of non-conformities.

Another requirement of the RCP is to include a procedure underlining that nothing in the safety management system applicable to the vessel shall be misinterpreted in a manner that limits the master or mate of their own responsibility taking such steps as he/she deems necessary and prudent to assist vessels in distress or for other emergency conditions. In addition, that master has the ability to request the company's help when necessary and that the overall safety of the towing vessel is the responsibility of the crew. The crew is required to comply with the SMS and applicable regulations. The crew must also report unsafe conditions to the master and take action to prevent accidents.

One might think that this requirement is so basic that it does not need to be spelled out. That said; it needs to be spelled out so that all individuals employed either ashore or afloat in the company understand – be it the CEO, the Vice President of Operations, down to the ordinary seaman – the idea that the policies and procedures of the company are in place, but by no means undermine that the master is in charge, and may be required to use his or her discretion. It is the ultimate responsibility of the master to ensure overall safe operation of the vessel, even if this is at odds with the company, port engineer, vessel manager or terminal operator.

Crews working on board must also understand this basic concept. At the end of the day, the master is still the master. Policies and procedures are often written ashore, sometimes without proper vetting. All crew members must understand that they are responsible for adhering to these policies, but also responsible for their own safety, as well as the safety of the vessel, regardless of the procedures – as this goes hand in hand. Even properly vetted procedures might not cover all aspects of an operation, or nuances. And that is where the Master's Authority, as well as the crew empowerment, comes into play.

While the ISM code is generic in nature, and just indicates that the SMS must spell out the Master's Authority, the RCP defines it in more detail, and requires that masters and crew receive training regarding the Master's Authority. This is important training, as the subject matter is really the keel of any successful SMS. Routine review of the Master's Authority, with each master employed at the company, as well more generic training to all crews, at designated intervals, is also required by the RCP to be spelled out in your procedures. Consider requiring any instances the Master's Authority was utilized by a master to be included as part of the master's review of the management system (again, required by all masters at designated intervals).

Realize that there is much more to training than relying what the U.S. Coast Guard spells out as required on a rating's credential. The credential is just a start, a baseline minimum. There is training specific to a company's operation, and then there is the familiarization of the vessel and its equipment on board. The RCP is a good place to look as to what other company specific training should be included at new hire orientations, as well as designated interval training for the fleet. Validation of the training, as well as continual evaluation of the crew members employed on board, all go hand-in-hand to ensure all vessels are operated safely, for the safety of crew, for the safety of the vessel, and the safety of the environment.

The Author

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LEGAL

Japan warns China over East China Sea

Japan summons China envoy twice in five days; rising number of Chinese ships sailing near disputed islands. Japan warned China on Tuesday that ties were deteriorating

Braemar Adjusting agrees Strategic Partnership in S. America

Braemar Adjusting has agreed a strategic partnership with Beckett Liquidadores de Seguros S.A of Chile, to act as its local resource partner in a number of countries in South America.

Ince to Advise Danaos on HMM Restructuring

Ince & Co's London and Piraeus corporate, finance and shipping teams have advised long-standing client Danaos Corporation on Korean container line Hyundai Merchant Marine Co.

MARITIME SAFETY

Inspectors Get Tough on ECDIS

ECDIS ACAT (Annual Competency Assurance Training): the Inspectors training in ECDIS has without doubt increased safety at sea as it highlights that not all is well, regardless of certificates held.

Update: Salvors to Board Grounded Transocean Winner

Final preparations are being made to put a small team of salvors on board the grounded semi-submersible oil rig Transocean Winner off the Isle of Lewis this afternoon.

Javier Swirls Toward Mexico, no Hurricane Seen

Tropical Storm Javier lost a little strength on Monday evening as it traveled towards the southern part of Mexico's Baja California peninsula, the U.S. National Hurricane Center (NHC) said.



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