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MINISTRY OF TRANSPORT AND COMMUNICATIONS
DEPARTMENT OF MARINE ADMINISTRATION

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Date :24th December 2016

Directive (13/2016)

PREVENTION OF DRUG AND ALCOHOL ABUSE

Applicable to : All Ship- owners, Ship Operators, Flag State Surveyors, Recognized Organizations, Masters and Officers of Myanmar Flagged Ships.

Reference :

- (a) STCW Convention, 1978 as amended Reg: VIII/1
- (b) STCW Code, as amended Section A-VIII/1 and B-VIII/1
- (c) ILO publication " Drug and Alcohol Prevention Programmes in the Maritime Industry (A Manual for planners)"

1. The Department of Marine Administration circulates this directive in the exercise of the power of Section 294 (B), paragraph (b) of Myanmar Merchant Shipping Act 1923, as amended.
2. This directive applies to Myanmar flagged ships engaged on International voyage complying with requirements of SOLAS 1974, as amended for the prevention of Drug and Alcohol Abuse.
3. The Guidance for prevention of Drug and Alcohol Abuse is set out by Department of Marine Administration to fulfill the relevant requirements of above references.
4. Department of Marine Administration directs that measures are established by shipping companies and ship masters in accordance with the provision of Regulation VIII/1, paragraph 2 of STCW Convention and Section A-VIII/1 paragraph 10 while taking into account the guidance given in section B-VIII/1 paragraph 6 to 9 of the STCW Code as amended.
5. Therefore the Administration hereby defines, for the purpose of preventing alcohol abuse, a limit of not greater than 0.05% blood alcohol level (BAC) or 0.25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration for masters, officers and other seafarers while performing designated safety, security and marine environmental duties in accordance with the provisions of section A-VIII/1 paragraph 10 while taking into account the guidance given in

section B-VIII/1 paragraph 6 to 9 of the STCW Code.

6. Shipping Companies shall issue the implementation of a clearly written policy of drug and alcohol abuse prevention, including prohibition to consume alcohol within four hours prior to serving as a member of a watch either by inclusion in the Company's Quality-Management System or by means of providing adequate information and education to the seafarers.

7. Shipping Company shall provide means of Drugs and Alcohol testing onboard so that Ship Master or responsible Ship Officers can check any seafarer suspected of having level of alcohol in body system who is incapable of carrying out duties.

8. Shipping Company or any Seafarer who fails to comply in accordance with this Directive and Guidance for prevention of drug and alcohol abuse, shall be taken the disciplinary actions and/or dismissal from employment.



Maung Maung Oo
Director General
Department of Marine Administration



Department of Marine Administration
Ministry of Transport and Communications
Republic of the Union of Myanmar

GUIDANCE FOR PREVENTION OF DRUG AND ALCOHOL ABUSE

2016



Introduction

1. This Guidance for Prevention of Drug and Alcohol Abuse applies to Shipping Companies and their seafarers employed on Myanmar flagged ships. This provision is to be applied to Myanmar flagged ships listed on the Safety Management and Environment Protection Policy.
2. This Guidance defines the specific rules for preventing seafarers from drug and alcohol abuse in order to ensure safety, security and pollution prevention onboard.
3. Administration directs that measures are established by Shipping Companies and Ship Masters in accordance with the provision of Regulation VIII/1, paragraph 2 of STCW Convention and Section A-VIII/1 paragraph 10 while taking into account the guidance given in Section B-VIII/1 paragraph 6 to 9 of the STCW Code.
4. This Guidance for Prevention of Drug and Alcohol Abuse is set out on 24th December 2016 according to the directive 13/2016 in the exercise of the power of Section 294 (B), paragraph (b) of Myanmar Merchant Shipping Act 1923, as amended.

Guidance for Prevention of Drug and Alcohol Abuse

CONTENTS

1.	Policy	3
2.	Purpose	3
3.	Application	3
4.	Responsibility	3
5.	Definitions	4
6.	Control of Drugs	5
7.	Control of Alcohol	6
8.	Use of Drugs and Alcohol Outside of the Workplace	6
9.	Prevention of drug and alcohol abuse	6
10.	Investigation and Reporting of Non-compliance and retention of Record	8
11.	Disciplinary Action	8
12.	References	9

Guidance for Prevention of Drug and Alcohol Abuse

1. Policy

This Guidance defines the specific rules for preventing seafarers from drug and alcohol abuse in order to ensure safety, security and pollution prevention onboard.

2. Purpose

To ensure a safe, healthy and productive workplace for all seafarers onboard, preventing accidents and improving effective and efficient management in the shipping industry.

3. Application

This Guidance for prevention of Drug and Alcohol Abuse applies to shipping companies and their seafarers employed on Myanmar flagged ships. This provision is to be applied to Myanmar flagged ships listed on the Safety Management and Environment Protection Policy.

4. Responsibility

4.1 The Shore-based Management of the Shipping Company is responsible for

- .1** the recommendations and guidelines,
- .2** the close monitoring on the physical implementation, and
- .3** the further improvement, if any as based on the findings of the implementation.

4.2 The Shipboard Management of the Shipping Company is responsible for

- .1** the physical implementation for the enforcement of the Company's drug and Alcohol Policy,
- .2** The systematic application of recommendations and guidelines, and
- .3** The immediate reporting of negative findings and taking appropriate actions.

4.3 The Ship Master is responsible for

- .1** Commitment to the programme, familiarity with the policy, programme and associated procedures,
- .2** Monitoring and providing feedback on the programme through the ship's safety committee,
- .3** Monitoring the performance of ship's officers and seafarers,
- .4** Identifying drug and alcohol abuse problems,
- .5** Carrying out disciplinary procedures,
- .6** Obtaining medical or specialist advice and dealing with emergency medical situations,

- .7 Executing testing procedures (where required),
- .8 Co-operating with foreign port authorities and ensuring conformance to national or foreign regulations,
- .9 Monitoring and preventing the possession of illegal drugs or substances onboard and controlling alcohol consumption (including beer) onboard,
- .10 Assigning a Designated Officer of the ship to conduct searches for illegal drugs or substances onboard, accompanied by a team, and
- .11 Safe storage of drugs and the security of the ship's medical locker.

5. Definitions

5.1 Shipping Company means the Owner of the ship or any other organization or Person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all duties and responsibility imposed by the International Safety Management Code.

5.2 “Drug” A term of varied usage. In medicine, it refers to any substance with the potential to prevent or cure disease or enhance physical or mental welfare; in pharmacology it means any chemical agent that alters the biochemical or physiological processes of tissues or organisms. In the context of international drug control, “drug” means any of the substances in Schedule I and II of the 1961 Convention, whether natural or synthetic. Usage of the term “illicit drug” should be avoided, as it is the manufacture, distribution, use etc. of a drug which is illicit, but not the substance itself.

5.3 “Non-prescription Drugs” are those which are readily available at a pharmacy. There is no restriction on their legitimate use on board although many of them contain the traces of barbiturates, etc, which will appear in the analysis of urine.

5.4 “Prescription Drugs” are those which are not readily available at pharmacy and are required to be prescribed by one of the registered doctors in view of its potential danger from the misuse. There is no restriction on their use onboard provided that they do not affect an individual's professional judgment or functions as required and the doctor's prescription is made available at all times as evidence.

5.5 “Controlled Drugs” are potentially very dangerous drugs such as morphine tablets or ampoules, or their alternatives, which are legitimately carried onboard as part of the Vessel's medical stores. These controlled drugs are prepared by the International Narcotics Control Board as “Narcotic Drugs” and are appeared in the Yellow List, List of Narcotic Drugs under International Control.

5.6. “Illicit Drugs” are used to describe as drugs which are under international control (and which may or may not have licit medical purposes) but which are produced, trafficked and/or consumed illicitly.

5.7 Alcohol : In chemical terminology, alcohols are a large group of organic Compounds derived from hydrocarbons and containing one or more hydroxyl(-OH) groups. Ethanol (C₂H₅OH, ethyl alcohol) is one of this class of compounds, and is the main psychoactive ingredient in alcoholic beverages. By extension the term "alcohol" is also used to refer to alcoholic beverages.

5.8 “An alcoholic beverage” is a [drink](#) containing [ethanol](#), commonly known as “alcohol”. Alcoholic beverages are divided into three general classes: [beers](#), [wines](#), and [spirits](#). Alcohol is a [psychoactive drug](#) that has a [depressant](#) effect. High [blood alcohol content](#) is usually considered to be legal [drunkenness](#) because it reduces [attention](#) and slows reaction speed. Alcohol can be addictive and [addiction](#) to alcohol is known as [alcoholism](#).

6 Control of Drugs

The misuse of legitimate drugs or the use, possession, distribution or sale of illicit or unprescribed drugs on shipping company business or any vessel is strictly prohibited and is ground for instant dismissal without benefits and forfeiture of wages to defray cost of replacement. Being unfit for work because of use of drug is strictly prohibited and ground for instant dismissal. Absolutely no use of drugs by anybody onboard, except any medication prescribed by a company approved or recognized medical doctor.

6.1 Non-prescription Drugs

The user of non-prescription drugs shall declare in advance when he is required to provide an urine sample for analysis as and when required by the Ship Master/Shore-based Management (Company).

6.2 Prescription Drugs

The user of prescription drugs shall

- .1** keep the evidence, such as the doctor’s prescription, and inform the ship Master for keeping under his care enabling the Ship Master to make a declaration prior to arrival at any port, and
- .2** declare in advance when he is required to provide an urine sample for analysis as and when required by the Company.

6.3 Controlled Drugs

Controlled Drugs for ship shall be kept under the custody of the Ship Master to ensure safekeeping and their use, and the inventory shall be accurately maintained.

6.4 Illicit Drugs

The possession and consumption of illicit drugs are strictly prohibited onboard the vessels.

7. Control of Alcohol

Possession, use, distribution, or sale of alcoholic beverages onboard the vessels is subject to strictly prohibited or specific restrictions and controls at Master's discretion complying with the requirement.

Under the STCW Section A-VIII/1, All persons on board are required at all times to ensure that their blood alcohol level (BAC) limit does not greater than 0.05%.or 0.25 mg/l alcohol in the breath or a quantity of alcohol. Consumption of any kind of alcohol beverages (including beer) during working hours or overtime, while performing designated safety, security and marine environment duties or within 4 hours prior starting work or watch is strictly prohibited.

8. Use of Drugs and Alcohol Outside of the Workplace

Off-duty use of drugs and/or alcohol may result in a violation of this procedure or company policy if a drug or alcohol test is administered and produces a positive test result. When Ship Officers and crew members are returning from shore leave, they must observe a period of total abstinence from all kind of alcohol beverages prior to their scheduled watch keeping duties.

9. Prevention of drug and alcohol abuse

9.1 Drug and alcohol abuse directly affects the fitness and ability of a seafarer to perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties. Seafarers found to be under the influence of drugs or alcohol shall not be permitted to perform watchkeeping duties or duties that involve designated safety, prevention of pollution or security duties, until they are no longer impaired in their ability to perform those duties.

9.2 Companies shall ensure the implementation of a clearly written policy of drug and alcohol abuse prevention, including prohibition to consume alcohol within four hours prior to serving as a member of a watch either by inclusion in the company's quality-management system or by means of providing adequate information and education to the seafarers. Those involved in establishing drug and alcohol abuse prevention programmes shall take into account the guidance contained in the ILO publication "Drug and Alcohol Prevention Programmes in the Maritime Industry (A Manual for Planners), as may be amended.

9.3 When changing over the watchkeeping, the relieving officer should confirm if the ship officer or rating taking-over the watch has not been impaired by drugs or alcohol before handing-over the watch. If he finds personnel taking-over the watch is impaired, he should not hand over the watch and report it to the Master.

9.4 The Shipping Company shall recognize that alcohol or drug abuse by seafarers will impair their ability to perform properly and will have serious adverse effects on the safety, efficiency and productivity of other employees and the Company as a whole.

9.5 Drug & Alcohol abuse and its effects create onboard safety problem. This has warranted a variety of legislative and management responses including testing, treatment, disciplinary action and termination of employment.

9.6 If someone who suspects any person on board of abusing, or smuggling drugs, shall immediately inform the Ship Master or Ship Officer who is then obliged to inform the Ship Master. Alternatively, highly confidential information can be passed directly to the Shipping Company's shore-based Management.

9.7 The Shipping Company requires Ship Officers and seafarers to submit to drug and/or alcohol testing in the following situations:

(a) Pre-Joining Drug and Alcohol Test

Ensure to check for drug and alcohol abuse tests are included in the seafarers' medical examination both on initial screening and during seafarer's periodic medical checks prior to join and the certificate of its results shall be carried onboard under the custody of Master.

(b) Unannounced Drug and Alcohol Test

Certain ship officers and seafarers shall be subject to unannounced drug and alcohol testing on a random basis where cause exists to suspect drug or alcohol abuse onboard. Shipping Companies shall provide means of Drug and Alcohol test onboard so that ship Master or responsible ship officers can check any seafarer suspected of having level of alcohol or use of drug in his system who is incapable of carrying out his duties. The Shipping Company shall arrange an annual unannounced drug and alcohol test onboard vessels in the fleet, subject to the feasibility and the sole discretion of the Shipping Company in selecting any crew member onboard.

(c) Post-Accident/Serious Marine Incident Testing

Any Seafarers involved or suspected of being involved in a serious accident shall be requested to provide a urine, blood or breath specimen, as appropriate and also arrange an Alcohol Test within two hours after any accident/serious incident. After any serious marine incident on each individual engaged employed onboard the vessel who is directly involved in the serious marine incident.

10. Investigation and Reporting of Non-compliance and retention of record

10.1 Drug/Alcohol test at before joining and test results during onboard shall be recorded for a period of 12 months in the record form “Drug/Alcohol Test Record”.

10.2 The Ship Master is responsible for the immediate investigation whenever the non-conformity with the procedure is reported by any crewmembers or any other reliable sources. If the non-conformity is confirmed, the Ship Master shall instantly take appropriate action as he deems safe and justified, make entry of official log, raise the Ship-board Non-conformity, and report to the Company in writing for further action.

10.3 The records shall be retained for a minimum period of 3 years.

11. Disciplinary Action

11.1 Any Seafarer who fails to comply with this procedure and Shipping Company’s Drug and Alcohol Policy is taken disciplinary actions and/or dismissal from employment.

11.2 Examples of issues that will be seen as a breach of the Drug and Alcohol Policy include but are not limited to;

- (a) Being incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs. For the purposes of this Process, a positive test for drugs or alcohol above the stated maximums will be considered as being in an unsatisfactory, unfit and unsafe condition;
- (b) Possession, consumption, dealing/trafficking, selling, or the storage of drugs or drugs or drug paraphernalia at work.
- (c) Being convicted of any criminal offence connected with drugs where the conviction may effect their ability to undertake their role or could bring at in disrepute;
- (d) Refusing to provide a sample for testing without good reason;
- (e) Failing to comply with rehabilitation requirements

11.3 In addition to the disciplinary action, any seafarers caught dealing/ trafficking, selling, or storing controlled drugs at work will be reported to the Police.

12. References

- (a) STCW Convention, 1978 as amended Reg; VIII/1
- (b) STCW Code, as amended Section A-VIII/1 and B-VIII/1

- (c) ILO publication “Drug and Alcohol Prevention Programmes in the Maritime Industry (A Manual for planners)”
- (d) Guidelines for the control of Drugs and Alcohol onboard ship OCIMF.(e) Directive of Prevention of Drug and Alcohol Abuse