

Confidential Reporting or Whistleblowing – A Case Study

Introduction

Further to the **CHIRP** Maritime Insight Article on [“The Stigma of Whistleblowing”](#) the following is a short case study which illustrates the difference between Confidential Reporting and Whistleblowing.

CHIRP received a report querying whether actions on board constituted a violation of MARPOL. We followed up with the reporter as described below:

What the Reporter told us.

The report was quite brief and described an internal transfer of bilge water from the bilge holding tank to the sludge tank. This was done using a “modified” portable bilge pump arrangement and a separate hose. The reporter’s question: Was this a MARPOL violation?

In addition to the MARPOL question, it should be noted that the reporter had additional concerns relating to the violation of the Maritime Labour Convention (MLC), that is: onboard bullying; abuse; hours of work and fatigue. These concerns were addressed by our partner organisation ISWAN. We have mentioned this because one of the aspects to be considered in whistleblowing cases is the motivation of the reporter, and it is therefore important to establish any adverse agenda that might have instigated the confidential report. In this case, all the issues raised were confirmed to be legitimate and both **CHIRP** Maritime and ISWAN were able to follow up directly with the reporter.

Further Dialogue.

The initial response from **CHIRP** Maritime to the reporter was as follows;

*“There is no MARPOL violation **IF** water is being transferred via a hose from the bilge holding tank to the sludge tank via a Wilden pump or similar, (by this it is meant that the end of the hose is in the sludge tank and the other end in the bilge holding tank), **AND** the transfer is fully and properly recorded in the Oil Record Book Part 1. Normally, if this were done, then it is assumed that for whatever reason, the vessel is getting tight on capacity in the bilge holding tank and the intention is to incinerate sludge to generate extra space. Assumptions can be made as to the reason for this, such as being in a special area and/or being unable to discharge bilges via the 15ppm monitor.*

*However, the initial report stated that the bilge pump had been modified. If so, or if the bilge line had been modified to accept the coupling, then this **IS** a clear violation of MARPOL Annex 1. In this case it was stated that the bilges were transferred to the sludge tank, so an attending Inspector might assume that this arrangement could be used as a “magic pipe” to bypass the oily water separator / 15ppm monitor and thus discharge bilges directly to sea”.*

Further dialogue with the reporter revealed that the actual transfer involved bilge water from the bilge holding tank being transferred to the sludge tank using the bilge pump but disconnecting a section of line on the discharge side of the pump, thence connecting a portable hose to discharge to the sludge tank. This is somewhat different from a “modified bilge pump” as previously reported. No Wilden pump or similar method was utilised.

It was also ascertained that the vessel was in a MARPOL Annex 1 Special Area, and that the vessel had discharged both sludge and bilges at her last port of call through the standard discharge connection to shore – however the speed of discharge of the bilges was relatively slow and was not completed.

None of the above would have been assessed as whistleblowing but from the information received, it is possible to make learnings as described in the next section.

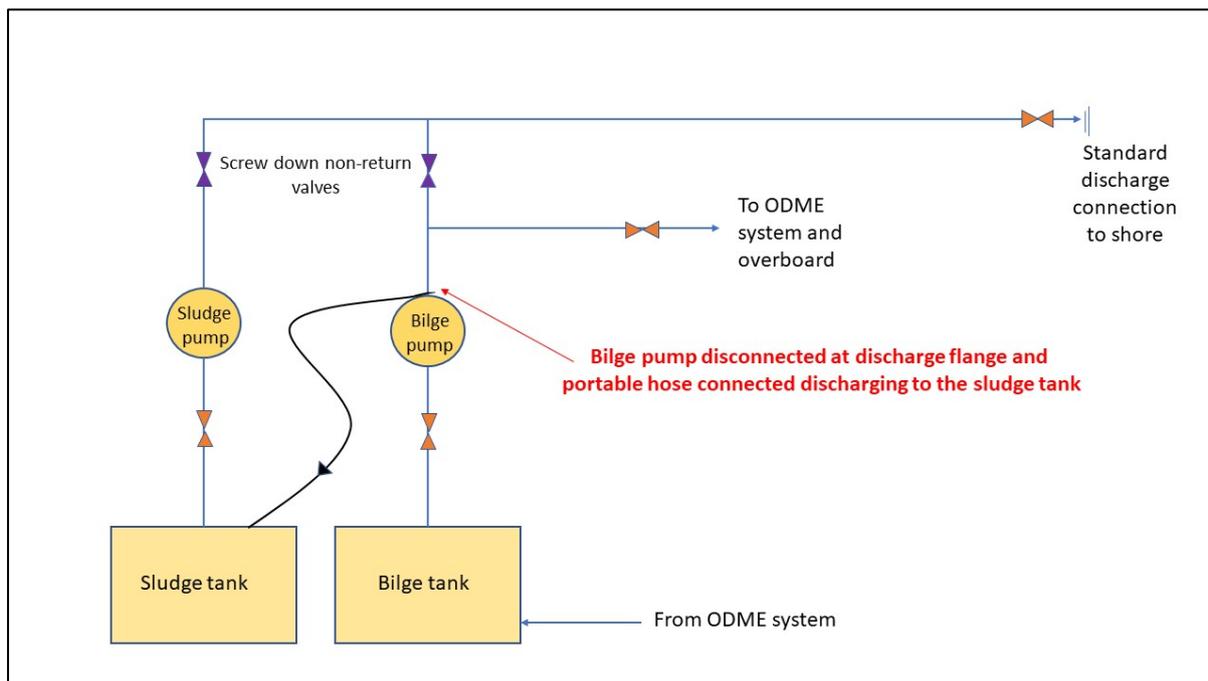


Figure 1 – Simplified schematic of discharge arrangement

Learnings from the Report.

Although in this case, there was not a direct violation of MARPOL, the following is relevant.

- MEPC.1 Circ.641 gives guidance on approval of bilge and sludge handling systems – amongst other things the following points are relevant to the report:
 - The circular prohibits common bilge water and sludge piping other than the common discharge pipe leading to the shore connections manifold as required by regulation 13 of Annex I.
 - The Administration should verify that bilge pumps cannot take suction from oil residue (sludge) tanks.
 - The Administration should verify that sludge pumps cannot discharge to bilge water holding tanks.
- In addition to this, and more recently, the lines from the sludge tank and the bilge holding tank should be fitted with a screw down non-return valve to ensure that sludge cannot enter the bilge system.
- **CHIRP** Maritime has a certain degree of sympathy with those that trade predominantly within Special Areas but would add that this necessitates the careful and correct management of oily waste. In this case the vessel appears to have become tight for space in the bilge tank and was attempting to manage the situation, albeit in a manner that **CHIRP** Maritime would not condone. Best practice would have been to accept the delay at the previous port and dispose of sufficient waste to safely get you to the next port of call. In any event, a full accurate record of the transfer must be made in the Oil Record Book Part 1, in order to protect yourself against any suggestions of violation.
- The other aspect of the report is that the bilge system was dismantled to effect the transfer. Whilst this must be done on occasion for maintenance, it is again vitally important that all aspects of the

maintenance are fully recorded in the vessel's planned maintenance system records. **CHIRP** is aware of companies that are so concerned about any suggestion of impropriety, that they have examined the whole bilge and sludge system, then placed security seals at any areas that might be disconnected. These have been recorded in the Planned Maintenance System and then when maintenance has been required, the removal of the seals is similarly recorded as is the placement of new seals upon completion of the task.

Conclusions.

The report demonstrates that with Confidential Reporting, the concern of a reporter can be followed up through direct dialogue and that learnings extracted can be disseminated across the industry without the need of compromising the identities of the reporter, company, vessel or organisation.

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