

Regulation 38

Safety Incident Reporting

A submission from the Board and the Oceanic and Offshore Committee Chair

Purpose or Objective

Having been identified at the Oceanic and Offshore Committee meeting in 2022, at the 2023 Annual Conference the Safety Commission reinforced the need to review Regulation 38 to improve safety reporting. The benefits of increased reporting of incidents noted by the Commission include, fostering a culture of safety consciousness and responsibility among the sailing community worldwide, identification of trends, sharing of best practice, as well as the potential to make the sport more insurable in the longer term.

A working party of Safety Commission and Oceanic and Offshore Committee members was established to review the existing Regulation with the objective of clarifying the definition of an incident and the reporting requirements for incidents of varying severity. This proposed change to Regulation 38 was developed in conjunction with a Safety Policy that contains Incident Reporting guidelines.

The amendments to Regulation 38 that are proposed in this submission would carry over to the new Regulations, if the submission is approved by Council.

Proposal

38.1 Member National Authorities, World Sailing Class Associations, ~~and~~ Rating Systems **and Organising Authorities** shall report ~~within 30 days~~ to World Sailing, **using the incident reporting portal**, any incident of which they become aware and which:

- a) occurs at, **or while training/preparing for**, an event **either** using the RRS **or otherwise**;
- b) ~~which~~ falls within their jurisdiction; and
- c) ~~falls within the scope of an incident reporting system established by the Board from time to time~~ **results in a fatality or serious injury as defined below**.

World Sailing requires reporting of any incident that:

- i) **causes or may cause death; or**
- ii) **requires inpatient hospitalisation (for more than 72 hours) of a person for reasons other than medical observation or diagnostic testing; or**
- iii) **involves loss of any limb of the body, or resuscitation of a person.**

Further information on incident reporting requirements is contained in World Sailing's Safety Policy.

38.2 The bodies listed in Regulation 38.1 shall conduct a review of all incidents resulting in fatality and submit an incident report to World Sailing.

World Sailing may request further investigation into any incident which results in a fatality or serious injury as defined in Regulation 38.1(c) of which it becomes aware.

~~The bodies listed in Regulation 38.1~~ **All stakeholders** shall give all reasonable assistance to World Sailing if it conducts an investigation into an incident.

Current Position

As above

Reasons

1. By including reporting requirements for Organising Authorities, this will include Special Events and other event organisers who are often the first to be aware of such incidents.
2. The 30 day timeframe has been removed because timeframes for reporting incidents of varying severity are included in the Safety Policy document.
3. This provides clarification on the threshold for mandatory reporting of safety incidents. Further clarification and examples of incidents that would be required to be reported are contained in the Safety Policy which includes an Incident Reporting table. Please note after the implementation of governance reforms, members will be bound under Article 11.1(b) of the new Constitution to comply with all decisions of the Federation (including Policy decisions).
4. The changes should promote increased reporting of incidents as well as increasing the level of detail provided regarding the most serious incidents. The requirements set out in the Safety Policy should also reduce the workload on the Executive Office when following up on incidents.
5. There is a requirement for an investigation and a report if there is a fatality. This is appropriate if we are to improve safety across the sport globally. World Sailing need to have the information to prevent further fatalities and learn from mistakes. World Sailing may commence its own investigation if it thinks it appropriate and it is a serious incident as defined in Regulation 38.1(c).
6. By including all stakeholders in the requirement to give reasonable assistance, this allows World Sailing to follow up with athletes, coaches, Race Officials, equipment manufacturers or any other parties deemed appropriate.
7. A consultation process was undertaken during development of this submission and the associated Safety Policy. All Committees and Commisisions were invited via their Chairs to review the draft documents and provide feedback.

World Sailing Safety Policy

Introduction

World Sailing is committed to promoting and ensuring the safety of all participants in the sport of sailing. Our Safety Policy outlines the standards and guidelines that must be adhered to by Member National Authorities (MNA), World Sailing Classes, participants, Organizing Authorities (OA) and other stakeholders to create the safest possible environment for all involved.

1. Risk Assessment and Mitigation

- 1.1. All events organised under the auspices of World Sailing must conduct a thorough risk assessment prior to the commencement of any activities.
- 1.2. Identified risks must be minimised or eliminated to the extent possible through appropriate safety measures and procedures.

2. Equipment Compliance

- 2.1 All equipment used during World Sailing sanctioned events or by World Sailing Classes must meet the safety standards relevant for the event and location.
- 2.2 Regular inspections and maintenance of equipment must be conducted to ensure that equipment is in safe and operational condition.

3. Training and Education

- 3.1 All participants in World Sailing sanctioned events must adhere to the general safety practices applicable to their setting. In addition to World Sailing regulations or guidelines, Organising Authorities should take into account any local laws and regulations that may require adherence to higher safety standards.
- 3.2 World Sailing promotes safety by publishing news and safety guidelines to increase awareness and provide resources for use by MNA, Classes and other stakeholders.
- 3.3 World Sailing will publish Offshore Special Regulations to promote safety in offshore sailing.

4. Emergency Response

- 4.1 Adequate emergency response plans must be in place for every event, detailing procedures for medical emergencies, search and rescue operations, and other contingencies.
- 4.2 Organising Authorities must ensure that all Participants are aware of and familiar with the emergency response procedures.

5. Communication

- 5.1 Clear communication channels and protocols must be established to convey safety-related information to all Participants, Race Officials, and all relevant parties.
- 5.2 Weather updates, emergency alerts, and other safety-critical information must be promptly communicated to ensure the well-being of everyone involved.

6. Continuous Improvement

- 6.1 World Sailing is committed to ongoing evaluation and improvement of safety policies and procedures to keep pace with emerging risks and best practices.
- 6.2 This policy and sections of the World Sailing Regulations that are relevant to safety will be periodically reviewed to ensure their currency and relevance.
- 6.3 Incident reports and other feedback from MNA, Classes and other stakeholders will be used to update safety measures proposed by World Sailing and enable better communication of safety information to the sailing community worldwide.
- 6.4 Safety incidents should be reported to World Sailing according to the incident reporting table contained in this Safety Policy.

Conclusion

By adhering to this Safety Policy, World Sailing aims to foster a culture of safety consciousness and responsibility among the sailing community worldwide. We are dedicated to ensuring the well-being of all participants and maintaining the highest standards of safety in the sport of sailing.

INCIDENT REPORTING TO WORLD SAILING

| REPORTING TO WORLD SAILING IS REQUIRED | Examples | Who is responsible / What is required |
|--|---|---|
| Fatality | Death | <p>MNA or OA must:</p> <ul style="list-style-type: none"> • contact World Sailing within 48 hours of becoming aware of the incident and provide monthly updates to WS until report is provided • investigate the incident according to WS Guidelines for Independent Incident Reviews and Reporting • submit a report to WS <p>Any of the parties involved may:</p> <ul style="list-style-type: none"> • log the incident on World Sailing portal |
| May cause fatality | <ul style="list-style-type: none"> • Loss of keel • Underwater entrapment | <p>MNA or OA must:</p> <ul style="list-style-type: none"> • log the incident on World Sailing portal <p>Any of the parties involved may:</p> <ul style="list-style-type: none"> • log the incident on World Sailing portal |
| Serious injury | <ul style="list-style-type: none"> • Requires inpatient hospitalisation (of more than 72 hours) for reasons other than medical observation or diagnostic testing • Requires emergency repatriation for medical care • Loss of any limb of the body • Injury requiring resuscitation | <p>Any of the parties involved may:</p> <ul style="list-style-type: none"> • log the incident on World Sailing portal |
| REPORTING TO WORLD SAILING IS RECOMMENDED | Examples | Who is responsible / What to do |
| Significant injury or life-threatening situation | <ul style="list-style-type: none"> • Catastrophic structural failure of the hull • Entire crew being rescued • Deployment of life raft • Medical evacuation of one or more crew from the boat • Intentional activation of an emergency beacon or mayday radio call | <p>Any of the parties involved may:</p> <ul style="list-style-type: none"> • log the incident on World Sailing portal |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Deployment of Search and Rescue (or local equivalent) authorities • Collision or equipment failure resulting in boat sinking, rescue or life-threatening situation • Collision (with object / vessel / megafauna) resulting in damage sufficient to return to harbour • A near miss of any of the above. • Injury requiring short-term hospitalisation (ie. less than 72 hours) • Concussion • A significant failure of the safety or risk management protocols of the OA • Significant reputational damage to the OA, the sport and/or World Sailing | |
| REPORTING TO WORLD SAILING IS NOT REQUIRED | Examples | Who is responsible / What to do |
| Minor injury or other event causing damage | <ul style="list-style-type: none"> • Injury requiring medical treatment / first aid • Collision or equipment failure not resulting in rescue or serious injury • Dismasting • Grounding • Engine failure • Collision with object / vessel / megafauna not resulting in return to harbour | <p>If you feel that there are valuable lessons to be shared, any of the parties involved may:</p> <ul style="list-style-type: none"> • log the incident on World Sailing portal <p>Note: reporting may be required to the OA / MNA.</p> |