

## Crew mental health issues following trauma

*Rachel Butlin, partner at Bentleys, Stokes and Lowless, explores the processes before, during and after trauma that may affect crew wellbeing and claims.*

While defending claims on behalf of yacht interests, I've seen an increase in cases where crewmembers have been psychologically affected by an incident involving others. If a crewmember has been injured or killed, the remaining crew can find it hard to cope. However, crew have a greater awareness of mental health issues than they did five years ago. So what are the practical implications of mental-health issues and what should be borne in mind when dealing with traumatised crew post-incident?

When a claim is brought for damages for injury, I'm often asked how to ensure the crew's psychological needs are met. Providing the help of a medical professional can mitigate losses even where the causes of an incident have not been established.

The yachting industry continues to strive to ensure crew work in a safe environment. Increased regulations and greater awareness of crew welfare are factors that should lead to fewer accidents. Yet there are still serious and

sometimes fatal incidents caused by oversight, a lapse in concentration, mechanical failure or unsafe working practices. The resulting stress should not be under-estimated and can be different for each individual. The fact that an accident occurred yards from where you live on board can also accentuate trauma.

Mental-health issues (anxiety, low mood, depression) can lead to a variety of problems. If someone is sent for medical treatment, there might be delays while safe manning levels are addressed. This can affect the operation of the yacht, lower crew wellbeing and motivation, and in the worst cases lead to bad publicity. Ideally, there will be a system on board to identify such problems and deal with them quickly and sensitively. Ensuring, where possible, that affected crew are removed promptly from a traumatic situation (maybe even an allegation of verbal or sexual abuse, harassment or bullying) and that they are receiving appropriate medical assistance could avoid a formal claim.

The Welfare of Superyacht Crew report prepared from research including that of the International Seafarer's Welfare and Assistance Network (ISWAN), sees few downsides to acting in this way. It is based on 441 superyacht crew responses but can provide only "a snapshot of the current state of affairs". Better crew facilities and the possibility of helplines were highlighted as factors that could reduce stress. Improvements to leadership on board was also identified as an issue.

Once a problem is identified, early treatment, a quicker recovery and return to work if appropriate can all happen sooner. Other crew will recognise a quick, effective response to a difficult situation and their perception will be that they are in an environment that prioritises their welfare.

Despite the hard work of thousands of professional crew, there remains some grumbling about how increased regulations have taken the fun out of yachting. It is an attractive industry but there is a perception that you need to be robust. One respondent to the ISWAN survey said, "If someone is mentally unstable then I would say a yacht at sea is not the correct career choice." However, problems sometimes arise when a crewmember reacts to an incident or develops psychological problems for the first time. That is when a good relationship between the captain and senior officers can make a difference.

The insurance industry has seen an increase in claims arising from psychological problems. There will always be

those who 'jump on the bandwagon' but many crew suffer psychological distress. With long hours, unrealistic demands from some owners, tiredness and lack of privacy, more needs to be done to reverse this trend. Our experience suggests crew with confidence in how the yacht is run from a safety and welfare perspective are less likely to make a claim following an incident; they are more likely to listen to reason and accept a goodwill gesture without litigation if harm has occurred to them for which they are entitled to compensation.

After notification of a claim, it is vital to investigate promptly. Liability underwriters are well rehearsed in arranging for statements to be taken, even if the facts initially seem clear-cut. Memories fade and people change their stories, so it's important to interview witnesses and preserve evidence such as CCTV footage. This could save time and provide a defence to a claim made years later. However, if someone has witnessed a serious injury or death, caution should be exercised before asking for a detailed statement immediately; reliving an incident can deepen trauma.

Finally, there seems to be a gap between how young crew imagine their life will be like on board a superyacht and the reality. More training and discussion of the difficulties crew experience may be needed. No one wishes to hear about an incident in which a crewmember has lost their life, however it happened. At least awareness is increasing with reports such as that prepared by ISWAN. **RB**

