

News from the policy team

Here at IOMSR we have had a very busy period with the seminar in February and the completion and issue of our consultation on the implementation of MLC title 2 so please accept our apologies that it has been a long time since the publication of the last update.

The presentations from the 2011 seminar and the consultations are available on our website at www.iomshipregistry.com though you will need to do a search for the seminar presentations.

Much of the work that we have been doing over the last two years regarding gap analysis and policy requirements is now being pulled together to create the consultation papers and regulations that will bring MLC into force. The consultation papers on MLC Titles 1 and 3 should also be ready within the next few weeks and will be circulated to all relevant parties.

Newsletter 9 - Young Persons

Summary

This aim of this newsletter is to provide our clients who regularly have young persons employed, engaged or working on board their ships or yachts with enough detailed information to show the documented policies and procedures which will be required to comply with the Isle of Man regulations implementing the Maritime Labour Convention 2006.

Key Points

- A "Young Person" is a person of the age 16 or 17
- "Night" is period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m
- "Established programme" means a programme leading to STCW qualifications in most cases will be a cadet training scheme.
- The information contained within this newsletter on health and safety in the work place should be applied regardless of the size and type of vessel.
- This newsletter contains the type of work the Isle of Man Ship Registry has prohibited young persons from carrying out.
- This newsletter explains the restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill.
- Prevention using a risk assessment and management approach is one of the most effective means of protecting the health and safety and physical development of young persons.
- This newsletter also contains information on the Isle of Man Ship Registry regulations which control the hours of work and rest, leave and repatriation of young persons.

1. General Principals

The new Isle of Man regulations for young persons will put the responsibility on the shipowner to ensure that their ships meet the following minimum standards:

1. Procedures are in place to prohibit young persons from working at night except where their effective training, in accordance with established programmes and schedules, would be impaired;
2. Procedures are in place to carry out documented risk assessments for types of work presenting special risk of accident or of detrimental effect on the health or physical development of young persons; (The types of work are detailed in this newsletter)
3. The young person must be informed of any identified risks or potential thereof and any mitigating actions which have been taken for their protection;
4. Procedures are in place to prohibit young persons from carrying out specific types of work where a risk assessment has identified risks which are likely to jeopardise the health and safety of young persons. (The types of work are detailed in this newsletter)
5. Procedures are in place to carry out a health surveillance of young persons when working at night or when carrying out work where a risk assessment has been completed;
6. Procedures are in place to monitor and control the hours of work and rest of young persons; and
7. Policy or procedures are in place which show the leave and repatriation requirements for young persons.

2. Health and safety

The Isle of Man Ship Registry wants to protect young persons at work from risks to their health and safety of which they may not be aware due to lack of experience of existing or potential risks.

3. Risk Assessment

Risk assessments must be completed for types of work presenting special risk of accident or of detrimental effect on the health or physical development of young persons.

Assessment of the risks to the health and safety of young persons before they are permitted to begin work, shall include:-

1. The fitting out and layout of working areas;
2. The nature, degree and duration of exposure to physical, biological and chemical agents;
3. The form, range and use of work equipment and the way in which it is handled;
4. The organisation of processes and activities;
5. The extent of the health and safety training provided or to be provided to the young persons concerned; and
6. Risks from agents, processes and work as detailed in the list of agents, process and work in this newsletter.

4. Restrictions on tasks for young seafarers

Except where a young seafarer is recognised as fully qualified in a pertinent skill by the department, shipowners must ensure young seafarers do not undertake, without appropriate supervision and instruction tasks in the list of agents, processes and work below.

5. List of agents, processes and work

This list does not cover all types of agents, processes and work.

I. AGENTS

1. Physical agents, including

- a) Ionising radiation.
- b) Non-ionising electromagnetic radiation.
- c) Work in a high pressure atmosphere, for example, in pressurised containers, diving.

2. Biological agents,

Biological agents classified as group 1, 2, 3 or 4 of Directive 2000/54/EC of the European Parliament and of the council of 18 September 2000, on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC.)

3. Chemical agents

- a) Hazardous Chemical Agents;

A hazardous chemical agent effectively means any chemical element or compound with the potential to cause harm if inhaled, ingested or by coming into contact with or absorbed through the skin and could potentially include chemical substances such as paints, cleaning materials, fumigants and pesticides.

In a legal context the definition of hazardous chemical agent is any dangerous substances and preparation according to the criteria in the following directives;

- Council Directive 67/548/EEC for dangerous substances
- Council Directive 88/379/EEC for dangerous preparations

However these directives will be revoked on 01/06/15 and will be replaced by;

- (EC) No 1272/2008 classification of labelling and packaging of substances and mixtures (CLP Regulations)

Practically the simplest method is to check with the supplier of the chemicals for any hazards the chemical may have, and inspect the hazard data sheets of any chemicals arriving on board.

Alternatively a list of hazardous substances can be found in; Table 3.2, Part 3 of Annex VI to the CLP Regulations. This states the list of harmonised classification and labelling of hazardous substances, and is available on the UK's Health and Safety Executive website.

<http://www.hse.gov.uk/ghs/eureg.htm> *(Please note this is a very large document)*

This list does not however include dangerous preparations or hazardous mixtures.

- b) Substances and preparations referred to as carcinogens in Article 2 (a) of Directive 2004/37/EC of the European Parliament and of the council of 29 April 2004, on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)
- c) Lead and compounds thereof, in as much as the agents in question are absorbable by the human organism.
- d) Asbestos.

II. PROCESSES AND WORK

1. Work involving exposure to polycyclic aromatic hydrocarbons present in coal soot, coal tar or coal pitch.
2. Work involving exposure to hard wood dusts.
3. Handling of devices, pyrotechnics or other objects containing explosives.
4. Working with animals.
5. Work with vats, tanks, reservoirs or carboys containing or having contained chemical agents.
6. Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases.
7. Work involving a risk of structural collapse.
8. Work involving electrical hazards.
9. Work involving the operation of hoisting or other power machinery and tools, or acting as signallers to operators of such equipment.
10. Entry into boilers, tanks, and cofferdam.
11. Handling mooring, tow lines or anchoring equipment.
12. Working aloft.
13. Working on deck in heavy weather.
14. Working with flammable liquids and flammable gases.
15. Work which involves exposure to extremes of cold or heat.
16. Work which involves exposure to a high level of noise.
17. Work involving hand-arm vibration.
18. Work involving whole-body vibration.
19. The cleaning of catering machinery.
20. The handling or taking charge of ships' boats.
21. The lifting, moving or carrying of heavy loads or objects.

6. Types of work which young person's are prohibited from carrying out

Where a risk assessment has identified risks which are likely to jeopardise the health and safety of young persons. The following types of work shall be prohibited.

1. Work which is objectively beyond their physical or psychological capacity;
2. Work involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
3. Work involving harmful exposure to radiation;
4. Work involving the risk of accidents which it may be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or
5. Work in which there is a risk to health from extreme cold or heat, or noise, or vibration.

The only exception to this prohibition applies if the young person needs to carry out the work as an indispensable part of their established training programme and the work is carried out under the direct supervision of a competent person and that in such a case the duty shall be to ensure the health and safety of the young person when performing that activity.

Young persons are also prohibited from working at night except where their effective training, in accordance with established training programmes and schedules, would be impaired.

7. Health education for young seafarers

Shipowners must ensure young seafarers have received guidance on the detrimental effects on their health and well-being of the abuse of alcohol and drugs and other potentially harmful substances, and the risk and concerns relating to HIV/AIDS and to other health risk related activities.

8. Health Surveillance

Where the risk assessment shows that there is a risk to the safety, the physical or mental health or development of young people or where a young person is likely to be required to work at night then;

The young person shall be provided with free health surveillance which is the monitoring, before they start work and at regular intervals thereafter the health of the young person.

If the only night work carried out by a young person is of an exceptional nature the health surveillance shall not be required.

Health surveillance for any young person must take particular account of –

1. The young person's health and capacities;
2. Physical and mental health issues relevant to young persons; and

3. The development of young people.

9. Hours of work and rest for Young Persons

1. At sea and in port the following provisions should apply to all young seafarers under the age of 18.
 - a) working hours should not exceed eight hours per day and 40 hours per week and overtime should be worked only where unavoidable for safety reasons;
 - b) sufficient time should be allowed for all meals, and a break of at least one hour for the main meal of the day should be assured; and
 - c) a 15-minute rest period as soon as possible following each two hours of continuous work should be allowed
2. Exceptionally, the provisions of paragraph 9.1 a) to c) need not be applied if:
 - a) they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system; or
 - b) the effective training of young seafarers in accordance with established programmes and schedules would be impaired.
3. Such exceptional situations should be recorded, with reasons, and signed by the master.
4. Paragraph 9.1 a) to c) does not exempt young seafarers from the general obligation on all seafarers to work during any emergency.

10. Leave

1. Young seafarers under the age of 18 who have served six months or any other shorter period of time under a collective agreement or seafarers' employment agreement without leave on a foreign-going ship which has not returned to their country of residence in that time, and will not return in the subsequent three months of the voyage, must be offered the opportunity of repatriation at no expense to themselves to the place of original engagement in their country of residence for the purpose of taking any leave earned during the voyage.

11. Repatriation

1. If it becomes apparent that young seafarers under the age of 18 are unsuited to life at sea, they should be given the opportunity of being repatriated at no expense to themselves from the first suitable port of call. Notification of any such repatriation, with the reasons therefore, should be given to the authority which issued the papers enabling the young seafarers concerned to take up seagoing employment.

Isle of Man Ship Registry

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