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# **Marine Coastal and Delta Sustainability for Southeast Asia (610327-EPP-1-2019-1-DE-EPPKA2-CBHE-JP)**



## **MARITIME AND OFFSHORE SAFETY ANALYSIS**

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# Safety and health in ports

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# 1. Purpose, introduction, scope and definitions

## 1.1. Purpose and implementation

1. This code is intended to be a concise set of recommendations based on good practice in the industry. The advice should be useful to all bodies and persons concerned with safety and health in port work. These include government authorities, employers, workers and their representatives, manufacturers and suppliers of equipment, and professional bodies dealing with occupational safety and health.

2. It is appreciated that not all the provisions of the code will necessarily be applicable as they stand to all countries and all regions. In some cases, provisions may need to be adapted to local conditions.

3. Although much of the guidance in the code reflects long-established standards in the industry, advice on various matters has been updated to reflect modern standards in ports and other industries, for example lighting and the height of fencing.

4. It is recognized that, although there should be no difficulty in applying the revised recommendations in the code to new equipment, there may be difficulties in applying some of them to existing equipment. Wherever it is practical to do so, such equipment should be brought into compliance with the code as soon as practicable, for example during a major refit or replacement.

5. It is recognized that employers, workers or their representatives should cooperate and consult each other in respect

## 1.2. Introduction

### 1.2.1. General overview of the port industry

6. The international port industry dates from the earliest days of civilization. Since that time, the port industry has developed steadily over the years, though cargo-handling methods that were both arduous and dangerous remained largely unchanged until the introduction of containers and roll-on roll-off ("ro-ro") systems in the 1960s. Technical developments have continued since then, including the introduction of increasingly sophisticated cargo-handling equipment with greatly increased capacity and reach. While many of these changes in cargo-handling methods have resulted in significant improvements for the safety of portworkers, some changes have introduced new hazards and port work is still regarded as an occupation with very high accident rates. Moreover, privatization in the industry has led to considerable changes in the organization of ports and the employment of people in them, including increased use of non-permanent workers. Fortunately, systems for identifying and managing risks have also been developed and the need for investment in the training and skills of portworkers has been increasingly recognized.

7. Each port needs to develop working practices that will safeguard the safety and health of portworkers in the light of its own specific circumstances. These can be based on guidelines, such as those included in this code of practice, and on the well-established general principles set out in the relevant



installations. These are beyond the direct scope of this code, but much of the guidance contained in it will be relevant to such operations.

#### 1.4. Women working in ports

18. Women are now part of the workforce in ports. As such, employers, in consultation with worker representatives and in accordance with national laws, should develop gender-sensitive OSH policies and programmes based on sex-disaggregated data and ensure that all workers have equal treatment and access to OSH services,<sup>2</sup> including participation in OSH decision-making at all levels.

#### 1.5. Innovations in ports

19. Before technological or other innovations, and/or new work practices involving such innovations, are introduced in ports that may impact on safety and health of portworkers, the following should apply:

- It has been well established on the basis of evidence and data that the new operations can be done in a safe and proper manner and that safe working conditions are maintained.
- Consultations on safety and health aspects have taken place between employers and workers and their representatives, and agreement on these matters has been reached between them on the introduction of the innovations in question, with the involvement, as appropriate, of the competent authority of the State.

- Mechanisms have been established for monitoring the safe use of any technology; such monitoring should involve employers and workers, and their representatives.
- Relevant national laws and regulations, as well as all safety and health standards, have been complied with and the guidance in this ILO code of practice should be taken into account.
- Sufficient information and appropriate training should be provided.

#### 1.6. Definitions

20. The definitions of the terms in this paragraph are those in Convention No. 152. As such, they apply throughout this code:

- *Port work* covers all and any of the part of the work of loading or unloading of any ship, as well as any work incidental thereto.
- *Access* includes egress.
- *Authorized person* – A person authorized by the employer, the master of the ship or a responsible person to undertake a specific task or tasks, and possessing the necessary technical knowledge and experience.
- *Competent person* – A person possessing the knowledge and experience required for the performance of a specific duty or duties and acceptable as such to the competent authority.
- *Lifting appliance* – Covers all stationary or mobile cargo-handling appliances, including shore-based power-operated ramps, used on shore or on board ship for suspending, raising or lowering loads or moving them from one position to another while suspended or supported.

## 2. General provisions

### 2.1. Responsibilities

#### 2.1.1. General requirements

1. Safety and health in ports is the responsibility of *everyone* who is directly or indirectly concerned with work in ports and those who need to cooperate to develop safe and healthy systems of work and ensure that they are put into practice. The introduction of new ideas and concepts in cargo handling demands that special attention be paid to safety and health requirements. The guidance given in this code of practice relates to both new and existing working practices.

2. National laws or regulations should designate responsibility for the following and make appropriate persons, whether employers, owners, ship masters or others, as the case may be, responsible for compliance with the following OSH measures:

- (a) providing and maintaining workplaces, equipment and methods of work that are safe and without risk of injury to health;
- (b) providing and maintaining safe means of access to workplaces;
- (c) providing the information, training and supervision necessary to ensure the protection of workers against risks of accident or injury to health arising out of or in the course of their employment and ensure the participation of workers in the development of training programmes;
- (d) providing workers with personal protective equipment (PPE) and protective clothing and any life-saving appliances reasonably required where adequate protection against risks of accident or injury to health cannot be provided by other means;

(c) providing and maintaining suitable and adequate first-aid and rescue facilities with trained personnel; and

(f) developing and establishing proper procedures to deal with emergency situations which may arise at the port.

#### 2.1.2. Competent authority

3. The competent authority should formulate, implement and periodically review a coherent national policy on safety and health in ports, taking into account national conditions and practice and in consultation with the most representative organizations of employers and workers concerned.

4. Such a policy would take due account of relevant international regulations, standards and systems, including the guidance contained in this code of practice.

5. The competent authority should establish and from time to time review laws, regulations and standards for safety and health in ports, in consultation with the most representative organizations of employers and workers concerned, and relevant professional bodies.

6. The competent authority should establish mechanisms to ensure compliance with national laws and regulations which clearly define the bodies responsible for enforcement and duty holders. The system of enforcement should provide for corrective measures and adequate penalties for violations of national laws and regulations concerning the policy.

7. The competent authority should ensure that guidance is provided to employers, workers and their representatives to help them comply with their legal obligations under the policy. The competent authority should provide assistance to employers, workers and their representatives with respect to their OSH responsibilities, obligations and rights.



diseases and dangerous occurrences, OSH compliance audits and reviews of the OSH system; and

(l) identify and implement preventative and corrective actions and opportunities for continual improvement.

14. Port employers should make necessary arrangements to provide for adequate and competent supervision of work and working practices.

15. If not carrying out the port work themselves, they should cooperate with the bodies and persons that are doing so in order to ensure that the prescribed OSH measures are given appropriate effect.

16. Whenever two or more employers undertake activities simultaneously at one workplace, they should collaborate in order to comply with the prescribed OSH measures, without prejudice to the responsibility of each employer for the safety and health of all workers. In appropriate circumstances, the competent authority should prescribe general procedures for this collaboration.

#### **2.1.4. Contractors and labour or service providers**

17. Contractors and labour or service providers not engaged in port work should cooperate with port authorities and other bodies working in port areas to protect the safety and health of all persons who may be affected by their activities and to establish a preventative safety and health culture. In particular, contractors and labour or service providers should ensure that:

- OSH criteria, such as a record of good OSH performance and an adequate OSH management system, are included in procedures for the evaluation and selection of contractors;
- contracts specify OSH requirements, as well as sanctions and penalties in case of non-compliance. Contracts

#### **2.1.5. Management**

19. Port employers should provide managers and supervisors with technical and other training, including on their responsibility to consult workers and their representatives, in order to enable them to fulfil their OSH responsibilities.

20. The management of port authorities or shipping companies that provide cargo-handling equipment for use in port work should strictly observe the relevant legal requirements and should be responsible for the safety of the equipment which they provide.

21. Management should ensure that appropriate corrective action is taken as soon as any faults in plant or equipment or any hazards are reported to them, such action including the stoppage of workplaces or equipment if necessary.

22. Management should ensure a safe working environment. Such an environment should include zero tolerance of any form of workplace violence and harassment. In order to achieve this goal, management should develop a policy, in consultation with workers and their representatives, that aims to establish a system of education and prevention; a stress-free and confidential complaint mechanism; a fair and effective resolution process; and a system for recording incidents. In helping to establish such policy, management should use the guidelines provided in the ILO code of practice *Workplace violence in services sectors and measures to combat this phenomenon*, and the sample sexual harassment policy appended to the ILO code of practice *Safety and health in agriculture*, provided in Appendix I.

23. It is essential that management comply with its own rules at all times, in order to be in a stronger position to demand such compliance from the workers.



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