

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**OCCUPATIONAL SAFETY AND HEALTH
(DOCK WORK) CONVENTION, 1979 (No. 152)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

Annexed to this report form will be found the text of a Recommendation whose provisions supplement those of the present Convention. The sole object of appending the text of this Recommendation to the report form is to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application.

The government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the Government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

GENEVA
1982

REPORT

for the period to, made by the Government of, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979

ratification of which was registered on

- I. Please give a list of the laws and regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said laws and regulations, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail, for each of the following Articles of the Convention, the provisions of the above-mentioned laws and regulations, etc., or other measures under which each provision of the Article is applied. In addition, please provide any indications specifically requested below under individual Articles.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as the adoption of measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, to specify the persons responsible for compliance with its requirements, to draw the attention of the parties concerned to the provisions of the Convention, to institute arrangements for adequate inspection and penalties, and to consult the employers' and workers' organisations concerned in implementing certain provisions.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. SCOPE AND DEFINITIONS

Article 1

For the purpose of this Convention, the term "dock work" covers all and any part of the work of loading or unloading any ship as well as any work incidental thereto; the definition of such work shall be established by national law or practice. The organisations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of this definition.

Please supply information concerning the definition of "dock work" as established by national law or practice, and the manner in which the employers' and workers' organisations concerned were consulted in establishing this definition.

Please indicate whether this definition covers the loading and unloading of ships engaged in inland navigation as well as maritime navigation.

Article 2

1. A Member may grant exemptions from or permit exceptions to the provisions of this Convention in respect of dock work at any place where the traffic is irregular and confined to small ships, as well as in respect of dock work in relation to fishing vessels or specified categories thereof, on condition that—

- (a) safe working conditions are maintained; and
- (b) the competent authority, after consultation with the organisations of employers and workers concerned, is satisfied that it is reasonable in all the circumstances that there be such exemptions or exceptions.

2. Particular requirements of Part III of this Convention may be varied if the competent authority is satisfied, after consultation with the organisations of employers and workers concerned, that the variations provide corresponding advantages and that the over-all protection afforded is not inferior to that which would result from the full application of the provisions of this Convention.

3. Any exemptions or exceptions made under paragraph 1 of this Article and any significant variations made under paragraph 2 of this Article, as well as the reasons therefor, shall be indicated in the reports on the application of the Convention submitted in pursuance of article 22 of the Constitution of the International Labour Organisation.

Please indicate any exemptions, exceptions and significant variations made under paragraphs 1 and 2 of this Article and the reasons therefor. Please describe the manner in which the employers' and workers' organisations concerned were consulted concerning these decisions.

Article 3

For the purpose of this Convention—

- (a) the term “worker” means any person engaged in dock work;
- (b) the term “competent person” means 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;
- (c) the term “responsible person” means a person appointed by the employer, the master of the ship or the owner of the gear, as the case may be, to be responsible for the performance of a specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of the duty or duties;
- (d) the term “authorised person” means a person authorised 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;
- (e) the term “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;
- (f) the term “loose gear” covers any gear by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load;
- (g) the term “access” includes egress;
- (h) the term “ship” covers any kind of ship, vessel, barge, lighter or hovercraft, excluding ships of war.

PART II. GENERAL PROVISIONS

Article 4

1. National laws or regulations shall prescribe that measures complying with Part III of this Convention be taken as regards dock work with a view to—

- (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 any workplace;
- (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;
- (d) providing workers with any personal protective equipment 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;
- (e) providing and maintaining suitable and adequate first-aid and rescue facilities;

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

2. The measures to be taken in pursuance of this Convention shall cover—

- (a) general requirements relating to the construction, equipping and maintenance of dock structures and other places at which dock work is carried out;
- (b) fire and explosion prevention and protection;
- (c) safe means of access to ships, holds, staging, equipment and lifting appliances;
- (d) transport of workers;
- (e) opening and closing of hatches, protection of hatchways and work in holds;
- (f) construction, maintenance and use of lifting and other cargo-handling appliances;
- (g) construction, maintenance and use of staging;
- (h) rigging and use of ship's derricks;
- (i) testing, examination, inspection and certification, as appropriate, of lifting appliances, of loose gear, including chains and ropes, and of slings and other lifting devices which form an integral part of the load;
- (j) handling of different types of cargo;
- (k) stacking and storage of goods;
- (l) dangerous substances and other hazards in the working environment;
- (m) personal protective equipment and protective clothing;
- (n) sanitary and washing facilities and welfare amenities;
- (o) medical supervision;
- (p) first-aid and rescue facilities;
- (q) safety and health organisation;
- (r) training of workers;
- (s) notification and investigation of occupational accidents and diseases.

3. The practical implementation of the requirements prescribed in pursuance of paragraph 1 of this Article shall be ensured or assisted by technical standards or codes of practice approved by the competent authority, or by other appropriate methods consistent with national practice and conditions.

Please describe by what methods the practical implementation of the requirements prescribed in pursuance of paragraph 1 is ensured or assisted in accordance with paragraph 3 and provide copies of any technical standards or codes of practice approved by the competent authority.

Article 5

1. National laws or regulations shall make appropriate persons, whether employers, owners, masters or other persons, as the case may be, responsible for compliance with the measures referred to in Article 4, paragraph 1, of this Convention.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

Please specify the persons made responsible by national laws or regulations for compliance with the measures referred to in paragraph 1.

Article 6

1. There shall be arrangements under which workers—

- (a) are required neither to interfere without due cause with the operation of, nor to misuse, any safety device or appliance provided for their own protection or the protection of others;
- (b) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;
- (c) report forthwith to their immediate supervisor any situation which they have reason to believe could present a risk and which they cannot correct themselves, so that corrective measures can be taken.

2. Workers shall have a right at any workplace to participate in ensuring safe working to the extent of their control over the equipment and methods of work and to express views on the working procedures adopted as they affect safety. In so far as appropriate under national law and practice, where safety and health committees have been formed in accordance with Article 37 of this Convention, this right shall be exercised through these committees.

Please describe the arrangements made in pursuance of paragraph 1 of this Article.

Please describe how the right of workers laid down in paragraph 2 is ensured.

Article 7

1. In giving effect to the provisions of this Convention by national laws or regulations or other appropriate methods consistent with national practice and conditions, the competent authority shall act in consultation with the organisations of employers and workers concerned.

2. Provision shall be made for close collaboration between employers and workers or their representatives in the application of the measures referred to in Article 4, paragraph 1, of this Convention.

Please describe the arrangements under which the competent authority consults the organisations of employers and workers concerned in giving effect to the provisions of the Convention.

Please describe the provision made for collaboration between employers and workers or their representatives in the application of the measures giving effect to the Convention.

PART III. TECHNICAL MEASURES

Article 8

Any time that a workplace has become unsafe or there is a risk of injury to health, effective measures shall be taken (by fencing, flagging or other suitable means including, where necessary, cessation of work) to protect the workers until the place has been made safe again.

Article 9

1. All places where dock work is being carried out and any approaches thereto shall be suitably and adequately lighted.

2. Any obstacle liable to be dangerous to the movement of a lifting appliance, vehicle or person shall, if it cannot be removed for practical reasons, be suitably and conspicuously marked and, where necessary, adequately lighted.

Article 10

1. All surfaces used for vehicle traffic or for the stacking of goods or materials shall be suitable for the purpose and properly maintained.

2. Where goods or materials are stacked, stowed, unstacked or unstowed, the work shall be done in a safe and orderly manner having regard to the nature of the goods or materials and their packing.

Article 11

1. Passageways of adequate width shall be left to permit the safe use of vehicles and cargo-handling appliances.

2. Separate passageways for pedestrian use shall be provided where necessary and practicable; such passageways shall be of adequate width and, as far as is practicable, separated from passageways used by vehicles.

Please indicate whether a minimum width has been prescribed for passageways for (a) vehicles and cargo-handling appliances, and (b) pedestrians, and if so give particulars thereof.

Article 12

Suitable and adequate means for fighting fire shall be provided and kept available where dock work is carried out.

Article 13

1. All dangerous parts of machinery shall be effectively guarded, unless they are in such a position or of such a construction as to be as safe as they would be if effectively guarded.

2. Effective measures shall be provided for promptly cutting off the power to any machinery in respect of which this is necessary, in an emergency.

3. When any cleaning, maintenance or repair work that would expose any person to danger has to be undertaken on machinery, the machinery shall be stopped before this work is begun and adequate measures shall be taken to ensure that the machinery cannot be restarted until the work has been completed: Provided that a responsible person may restart the machinery for the purpose of any testing or adjustment which cannot be carried out while the machinery is at rest.

4. Only an authorised person shall be permitted to—

- (a) remove any guard where this is necessary for the purpose of the work being carried out;
- (b) remove a safety device or make it inoperative for the purpose of cleaning, adjustment or repair.

5. If any guard is removed, adequate precautions shall be taken, and the guard shall be replaced as soon as practicable.

6. If any safety device is removed or made inoperative, the device shall be replaced or its operation restored as soon as practicable and measures shall be taken to ensure that the relevant equipment cannot be used or inadvertently started until the safety device has been replaced or its operation restored.

7. For the purpose of this Article, the term “machinery” includes any lifting appliance, mechanised hatch cover or power-driven equipment.

Please indicate the provisions governing the appointment of a responsible person for the purposes mentioned in paragraph 3 and the designation of an authorised person for the purposes mentioned in paragraph 4.

Article 14

All electrical equipment and installations shall be so constructed, installed, operated and maintained as to prevent danger and shall conform to such standards as have been recognised by the competent authority.

Please indicate the standards for electrical equipment and installations recognised by the competent authority.

Article 15

When a ship is being loaded or unloaded alongside a quay or another ship, adequate and safe means of access to the ship, properly installed and secured, shall be provided and kept available.

Please describe the safe means of access required when a ship is being loaded or unloaded alongside a quay or another ship.

Article 16

1. When workers have to be transported to and from a ship or other place by water, adequate measures shall be taken to ensure their safe embarking, transport and disembarking; the conditions to be complied with by the vessels used for this purpose shall be specified.

2. When workers have to be transported to or from a workplace on land, means of transport provided by the employer shall be safe.

Please give particulars of the measures prescribed to give effect to this Article.

Article 17

1. Access to a ship's hold or cargo deck shall be by means of—

- (a) a fixed stairway or, where this is not practicable, a fixed ladder or cleats or cups of suitable dimensions, of adequate strength and proper construction; or
- (b) by other means acceptable to the competent authority.

2. So far as is reasonably practicable, the means of access specified in this Article shall be separate from the hatchway opening.

3. Workers shall not use, or be required to use, any other means of access to a ship's hold or cargo deck than those specified in this Article.

Please indicate the manner in which the competent authority determines the acceptability of means of access to a ship's hold or cargo deck in accordance with paragraph 1 (b).

Article 18

1. No hatch cover or beam shall be used unless it is of sound construction, of adequate strength for the use to which it is to be put and properly maintained.

2. Hatch covers handled with the aid of a lifting appliance shall be fitted with readily accessible and suitable attachments for securing the slings or other lifting gear.

3. Where hatch covers and beams are not interchangeable, they shall be kept plainly marked to indicate the hatch to which they belong and their position therein.

4. Only an authorised person (whenever practicable a member of the ship's crew) shall be permitted to open or close power-operated hatch covers; the hatch covers shall not be opened or closed while any person is liable to be injured by the operation of the covers.

5. The provisions of paragraph 4 of this Article shall apply, *mutatis mutandis*, to power-operated ship's equipment such as a door in the hull of a ship, a ramp, a retractable car deck or similar equipment.

Please indicate the provisions governing the designation of an authorised person for the purposes mentioned in paragraphs 4 and 5.

Article 19

1. Adequate measures shall be taken to protect any opening in or on a deck where workers are required to work, through which opening workers or vehicles are liable to fall.

2. Every hatchway not fitted with a coaming of adequate height and strength shall be closed or its guard replaced when the hatchway is no longer in use, except during short interruptions of work, and a responsible person shall be charged with ensuring that these measures are carried out.

Please indicate the nature of the measures required under paragraph 1.

Please give particulars of the height and strength of the coamings, failing which the precautions prescribed in paragraph 2 become operative.

Please indicate the provisions governing the appointment of a responsible person for the purposes mentioned in paragraph 2.

Article 20

1. All necessary measures shall be taken to ensure the safety of workers required to be in the hold or on a cargo deck of a ship when power vehicles operate in that hold or loading or unloading operations are taking place with the aid of power-operated appliances.

2. Hatch covers and beams shall not be removed or replaced while work is in progress in the hold under the hatchway. Before loading or unloading takes place, any hatch cover or beam that is not adequately secured against displacement shall be removed.

3. Adequate ventilation shall be provided in the hold or on a cargo deck by the circulation of fresh air to prevent risks of injury to health arising from the fumes emitted by internal combustion engines or from other sources.

4. Adequate arrangements, including safe means of escape, shall be made for the safety of persons when dry bulk cargo is being loaded or unloaded in any hold or 'tween deck or when a worker is required to work in a bin or hopper on board ship.

Article 21

Every lifting appliance, every item of loose gear and every sling or lifting device forming an integral part of a load shall be—

- (a) of good design and construction, of adequate strength for the purpose for which it is used, maintained in good repair and working order and, in the case of a lifting appliance in respect of which this is necessary, properly installed;
- (b) used in a safe and proper manner and, in particular, shall not be loaded beyond its safe working load or loads, except for testing purposes as specified and under the direction of a competent person.

Article 22

1. Every lifting appliance and every item of loose gear shall be tested in accordance with national laws or regulations by a competent person before being put into use for the first time and after any substantial alteration or repair to any part liable to affect its safety.

2. Lifting appliances forming part of a ship's equipment shall be retested at least once in every five years.
3. Shore-based lifting appliances shall be retested at such times as prescribed by the competent authority.
4. Upon the completion of every test of a lifting appliance or item of loose gear carried out in accordance with this Article, the appliance or gear shall be thoroughly examined and certified by the person carrying out the test.

Please indicate the times at which shore-based lifting appliances have to be retested.

Article 23

1. In addition to the requirements of Article 22, every lifting appliance and every item of loose gear shall be periodically thoroughly examined and certified by a competent person. Such examination shall take place at least once every 12 months.
2. For the purpose of paragraph 4 of Article 22 and of paragraph 1 of this Article, a thorough examination means a detailed visual examination by a competent person, supplemented if necessary by other suitable means or measures in order to arrive at a reliable conclusion as to the safety of the appliance or item of loose gear examined.

Article 24

1. Every item of loose gear shall be inspected regularly before use. Expendable or disposable slings shall not be reused. In the case of pre-slung cargoes, the slings shall be inspected as frequently as is reasonably practicable.
2. For the purpose of paragraph 1 of this Article, an inspection means a visual inspection by a responsible person carried out to decide whether, so far as can be ascertained in such manner, the gear or sling is safe for continued use.

Please indicate the provisions under which a responsible person must be appointed to inspect loose gear and slings before use.

Article 25

1. Such duly authenticated records as will provide prima facie evidence of the safe condition of the lifting appliances and items of loose gear concerned shall be kept, on shore or on the ship as the case may be; they shall specify the safe working load and the dates and results of the tests, thorough examinations and inspections referred to in Articles 22, 23 and 24 of this Convention: Provided that in the case of inspections referred to in paragraph 1 of Article 24 of this Convention, a record need only be made where the inspection discloses a defect.
2. A register of the lifting appliances and items of loose gear shall be kept in a form prescribed by the competent authority, account being taken of the model recommended by the International Labour Office.
3. The register shall comprise certificates granted or recognised as valid by the competent authority, or certified true copies of the said certificates, in a form prescribed by the competent authority, account being taken of the models recommended by the International Labour Office in respect of the testing, thorough examination and inspection, as the case may be, of lifting appliances and items of loose gear.

Please supply samples of the records, the register and certificates which have to be kept under this Article.

Article 26

1. With a view to ensuring the mutual recognition of arrangements made by Members which have ratified this Convention for the testing, thorough examination, inspection and certification of lifting appliances and items of loose gear forming part of a ship's equipment and of the records relating thereto—
 - (a) the competent authority of each Member which has ratified the Convention shall appoint or otherwise recognise competent persons or national or international organisations to carry out tests and/or thorough examinations and related functions, under conditions that ensure that the continuance of appointment or recognition depends upon satisfactory performance;

(b) Members which have ratified the Convention shall accept or recognise those appointed or otherwise recognised pursuant to subparagraph (a) of this paragraph, or shall enter into reciprocal arrangements with regard to such acceptance or recognition; in either case, acceptance or recognition shall be under conditions that make their continuance dependent upon satisfactory performance.

2. No lifting appliance, loose gear or other cargo-handling appliance shall be used if—

- (a) the competent authority is not satisfied by reference to a certificate of test or examination or to an authenticated record, as the case may be, that the necessary test, examination or inspection has been carried out in accordance with the provisions of this Convention; or
- (b) in the view of the competent authority, the appliance or gear is not safe for use.

3. Paragraph 2 of this Article shall not be so applied as to cause delay in loading or unloading a ship where equipment satisfactory to the competent authority is used.

Please indicate the steps taken to implement the provisions of this Article.

Article 27

1. Every lifting appliance (other than a ship's derrick) having a single safe working load and every item of loose gear shall be clearly marked with its safe working load by stamping or, where this is impracticable, by other suitable means.

2. Every lifting appliance (other than a ship's derrick) having more than one safe working load shall be fitted with effective means of enabling the driver to determine the safe working load under each condition of use.

3. Every ship's derrick (other than a derrick crane) shall be clearly marked with the safe working loads applying when the derrick is used—

- (a) in single purchase;
- (b) with lower cargo block;
- (c) in union purchase in all possible block positions.

Article 28

Every ship shall carry rigging plans and any other relevant information necessary to permit the safe rigging of its derricks and accessory gear.

Article 29

Pallets and similar devices for containing or supporting loads shall be of sound construction, of adequate strength and free from visible defects liable to affect their safe use.

Article 30

Loads shall not be raised or lowered unless slung or otherwise attached to the lifting appliance in a safe manner.

Article 31

1. Every freight container terminal shall be so laid out and operated as to ensure so far as is reasonably practicable the safety of the workers.

2. In the case of ships carrying containers, means shall be provided for ensuring the safety of workers lashing or unlashings the containers.

Please indicate the arrangements made to ensure that container terminals are laid out and operated in a manner which ensures so far as is reasonably practicable the safety of the workers.

Please describe the means provided for ensuring the safety of workers lashing or unlashings containers.

Article 32

1. Any dangerous cargo shall be packed, marked and labelled, handled, stored and stowed in accordance with the relevant requirements of international regulations applying to the transport of dangerous goods by water and those dealing specifically with the handling of dangerous goods in ports.

2. Dangerous substances shall not be handled, stored or stowed unless they are packed and marked and labelled in compliance with international regulations for the transport of such substances.

3. If receptacles or containers of dangerous substances are broken or damaged to a dangerous extent, dock work, other than that necessary to eliminate danger, shall be stopped in the area concerned and the workers removed to a safe place until the danger has been eliminated.

4. Adequate measures shall be taken to prevent the exposure of workers to toxic or harmful substances or agents, or oxygen-deficient or flammable atmospheres.

5. Where workers are required to enter any confined space in which toxic or harmful substances are liable to be present or in which there is liable to be an oxygen deficiency, adequate measures shall be taken to prevent accidents or injury to health.

Please list the international regulations complied with in your country as provided for in paragraphs 1 and 2 of this Article and indicate the provisions requiring that these regulations be observed in your country.

Article 33

Suitable precautions shall be taken to protect workers against the harmful effects of excessive noise at the workplace.

Article 34

1. Where adequate protection against risks of accident or injury to health cannot be ensured by other means, workers shall be provided with and shall be required to make proper use of such personal protective equipment and protective clothing as is reasonably required for the performance of their work.

2. Workers shall be required to take care of that personal protective equipment and protective clothing.

3. Personal protective equipment and protective clothing shall be properly maintained by the employer.

Please describe the circumstances in which the issue and use of personal protective equipment and protective clothing is required.

Article 35

In case of accident, adequate facilities, including trained personnel, shall be readily available for the rescue of any person in danger, for the provision of first-aid and for the removal of injured persons in so far as is reasonably practicable without further endangering them.

Article 36

1. Each Member shall determine, by national laws or regulations or other appropriate methods consistent with national practice and conditions, and after consultation with the organisations of employers and workers concerned—

- (a) for which risks inherent in the work there is to be an initial medical examination or a periodical medical examination, or both;
- (b) with due regard to the nature and degree of the risks and the particular circumstances, the maximum intervals at which periodical medical examinations are to be carried out;
- (c) in the case of workers exposed to special occupational health hazards, the range of special investigations deemed necessary;
- (d) appropriate measures for the provisions of occupational health services for workers.

2. All medical examinations and investigations carried out in pursuance of paragraph 1 of this Article shall be free of cost to the worker.

3. The records of the medical examinations and the investigations shall be confidential.

Please indicate by virtue of what provisions and for which risks the medical examinations and special investigations referred to in this Article are required.

Please indicate the maximum intervals at which periodical medical examinations and special investigations are to be carried out.

Please indicate the manner in which employers' and workers' organisations were consulted in accordance with paragraph 1.

Please describe the occupational health services that have to be provided pursuant to paragraph 1 (d).

Article 37

1. Safety and health committees including employers' and workers' representatives shall be formed at every port where there is a significant number of workers. Such committees shall also be formed at other ports as necessary.

2. The establishment, composition and functions of such committees shall be determined by national laws or regulations or other appropriate methods consistent with national practice and conditions, after consultation with the organisations of employers and workers concerned, and in the light of local circumstances.

Please indicate the provisions governing the establishment, composition and functions of the safety and health committees referred to in this Article. Please describe the manner in which the employers' and workers' organisations concerned were consulted in regard thereto.

Article 38

1. No worker shall be employed in dock work unless he has been given adequate instruction or training as to the potential risks attaching to his work and the main precautions to be taken.

2. A lifting appliance or other cargo-handling appliance shall be operated only by a person who is at least 18 years of age and who possesses the necessary aptitudes and experience or a person under training who is properly supervised.

Please indicate how instruction and training is provided in accordance with paragraph 1 of this Article.

Article 39

To assist in the prevention of occupational accidents and diseases, measures shall be taken to ensure that they are reported to the competent authority and, where necessary, investigated.

Article 40

In accordance with national law or regulations or national practice, a sufficient number of adequate and suitable sanitary and washing facilities shall be provided and properly maintained at each dock, wherever practicable within a reasonable distance of the workplace.

PART IV. IMPLEMENTATION

Article 41

Each Member which ratifies this Convention shall—

(a) specify the duties in respect of occupational safety and health of persons and bodies concerned with dock work;

- (b) take necessary measures, including the provision of appropriate penalties, to enforce the provisions of the Convention;
- (c) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention, or satisfy itself that appropriate inspection is carried out.

Please give full details of the measures taken to comply with the requirements of this Article.

Article 42

1. National laws or regulations shall prescribe the time-limits within which the provisions of this Convention shall apply in respect of—

- (a) the construction or equipping of a ship;
- (b) the construction or equipping of any shore-based lifting appliance or other cargo-handling appliance;
- (c) the construction of any item of loose gear.

2. The time-limits prescribed pursuant to paragraph 1 of this Article shall not exceed four years from the date of ratification of the Convention.

III. In so far as such information has not been supplied under Article 41 of the Convention, please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please give a general appreciation of the manner in which the Convention is applied in your country, and attach extracts from the reports of the inspection services, information on the number of workers covered by the legislation, the number and nature of the contraventions reported and the resulting action taken, and the number of occupational accidents and diseases reported, in so far as this information has not already been supplied in connection with other questions in this form.

VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comment that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22".

ANNEX

OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) RECOMMENDATION, 1979 (No. 160)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to the revision of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Occupational Safety and Health (Dock Work) Convention, 1979,

adopts this twenty-fifth day of June of the year one thousand nine hundred and seventy-nine the following Recommendation, which may be cited as the Occupational Safety and Health (Dock Work) Recommendation, 1979:

I. SCOPE AND DEFINITIONS

1. For the purpose of this Recommendation, the term "dock work" covers all and any part of the work of loading or unloading any ship as well as any work incidental thereto; the definition of such work should be established by national law or practice. The organisations of employers and workers concerned should be consulted on or otherwise participate in the establishment and revision of this definition.

2. For the purpose of this Recommendation—

- (a) the term "worker" means any person engaged in dock work;
- (b) the term "competent person" means 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;
- (c) the term "responsible person" means a person appointed by the employer, the master of the ship or the owner of the gear, as the case may be, to be responsible for the performance of a specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of the duty or duties;
- (d) the term "authorised person" means a person authorised 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;
- (e) the term "lifting appliance" covers all stationary or mobile cargo-handling appliance, 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;
- (f) the term "loose gear" covers any gear by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load;
- (g) the term "access" includes egress;
- (h) the term "ship" covers any kind of ship, vessel, barge, lighter or hovercraft, excluding ships of war.

II. GENERAL PROVISIONS

3. In giving effect to the Occupational Safety and Health (Dock Work) Convention, 1979, each Member should take into consideration—

- (a) the provisions of the relevant conventions, regulations and recommendations adopted under the auspices of the Inter-Governmental Maritime Consultative Organisation and, in particular, those of the International Convention for Safe Containers, 1972, as at any time revised;
- (b) the relevant standards adopted by recognised international organisations dealing with matters of standardisation;
- (c) the relevant provisions of conventions, regulations and recommendations concerning inland navigation adopted under the auspices of international organisations.

4. In developing measures under Article 4, paragraph 1, of the Occupational Safety and Health (Dock Work) Convention, 1979, each Member should take into consideration the technical suggestions in the latest edition of the Code of Practice on safety and health in dock work published by the International Labour Office in so far as they appear to be appropriate and relevant in the light of national circumstances and conditions.

5. In taking the measures referred to in Article 4, paragraph 1, of the Occupational Safety and Health (Dock Work) Convention, 1979, each Member should take account of the provisions of Part III of this Recommendation, which are supplementary to those set out in Part III of that Convention.

6. With a view to preventing occupational accidents and diseases, workers should be given adequate instruction or training in safe working procedures, occupational hygiene and, where necessary, first-aid procedures and the safe operation of cargo-handling appliances.

III. TECHNICAL MEASURES

- 7. (1) All passageways should be—
 - (a) plainly marked;
 - (b) so far as is reasonably practicable, kept free of any obstruction not related to the work in progress.
- (2) Passageways used for vehicles should, so far as is reasonably practicable, be one-way in operation.
- 8. (1) Wherever reasonably practicable, means of access should be so placed that no suspended loads pass over them.
- (2) Wherever necessary, the means of access to a ship should be fitted with a safety net properly secured so as to prevent workers from falling into the water between the ship's side and the adjacent quay.
- 9. Junction plates used with ramps on roll-on/roll-off ships should be so designed and used as to be safe.
- 10. (1) Every hatchway on the weatherdeck not protected by means of a coaming of adequate height and strength should be effectively guarded or covered.
- (2) Every 'tween-deck hatchway should, when it is open, be effectively guarded to an adequate height.

(3) Guards may be temporarily removed on any side of a hatchway where this is necessary for loading or unloading goods.

(4) If, for technical reasons the provisions of subparagraphs (1) and (2) of this Paragraph cannot be implemented, an authorised person should ensure the safety of the workers.

(5) Deck cargoes should not be placed on nor vehicles pass over any hatch cover which is not of adequate strength for that purpose.

11. When necessary, due to the size of the hold, provision should be made for more than one means of escape.

12. Operators of lifting appliances should check the operation of their safety devices before commencing work.

13. (1) Petrol-driven vehicles or lifting appliances should not be refuelled in the hold of a ship and vehicles or lifting appliances driven by other fuels should only be refuelled in the hold of a ship under conditions which, so far as is reasonably practicable, ensure the safety of the workers.

(2) If reasonably practicable, preference should be given to the use in the hold of engines which do not pollute the air.

14. As far as is reasonably practicable, workers should not be required to work in the part of a hold where a trimming machine or grab is operating.

15. No new part of a lifting appliance or item of loose gear should be manufactured of wrought iron.

16. No heat treatment should be applied to any item of loose gear unless the treatment is carried out under the supervision of a competent person and in accordance with his instructions.

17. Suitable and adequate dunnage should be used if necessary to protect slings of pre-slung cargoes.

18. Slings which have not been approved or inspected should not under any circumstances be used for pre-slinging.

19. Every lifting beam, lifting frame, vacuum lifting or magnetic lifting device which does not form an integral part of a lifting appliance and every other item of loose gear weighing more than 10 kg should be clearly marked with its own weight.

20. Disposable pallets and similar disposable devices should—

- (a) be clearly marked or labelled to indicate that they are disposable;
- (b) not be used unless they are free from defects liable to affect their safe use; and
- (c) not be re-used.

21. Loads secured together by means of bailing wires or straps should not be raised or lowered by means of hooks or other devices inserted in the wires or straps unless the wires or straps are of adequate strength.

22. Every reasonable measure should be taken to minimise risks of accident when work has to be carried out on top of freight containers.

23. (1) Dangerous substances should only be handled, stored or stowed under the supervision of a responsible person.

(2) When dangerous substances are to be handled, stored or stowed, the workers concerned should be given adequate information as to the special precautions to be observed, including action to be taken in the event of a spillage or accidental escape from containment.

24. First-aid personnel should be proficient in the use of appropriate resuscitation techniques and rescue work.

25. Lifting appliances, where necessary and reasonably practicable, should be fitted with a means of emergency escape from the driver's cabin. There should be arrangements for the removal of an injured or ill driver without further endangering him.

26. (1) The results of the medical examinations and investigations referred to in Article 36 of the Occupational Safety and Health (Dock Work) Convention, 1979, should be communicated to the worker concerned.

(2) The employer should be informed whether the worker is fit for the work to be carried out and whether he may constitute a risk to other persons, on the condition that, subject to Article 39 of the Convention, the confidential character of the information is respected.

27. The facilities provided in pursuance of Article 40 of the Occupational Safety and Health (Dock Work) Convention, 1979, should, so far as is reasonably practicable, include changing rooms.