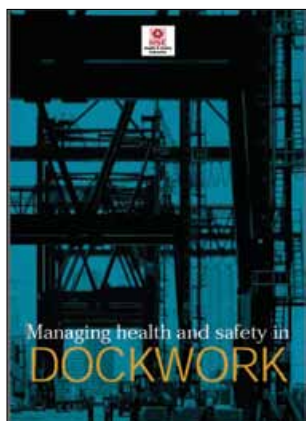


Managing health and safety in Dockwork



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If you are involved in dock operations or if you supply labour for dockwork, this book can help you comply with the law and control risks. It explains what your specific health and safety duties are and shows how co-operation, co-ordination and controlling your contractors can help you manage safety successfully.

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This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice.

Contents

Preface 4

Introduction 5

What do we have to do? 6

What are our responsibilities to our employees? 6

What if we employ temporary workers? 6

What if we use workers from a labour supplier? 6

What do our responsibilities mean in practice? 7

How important is training? 8

When do we need to consult our employees? 9

What about people who are not our employees? 10

Assessing, controlling and providing information on risks to others 10

Control of premises, plant or substances 10

Co-operation and co-ordination 11

Controlling your contractors 12

What should we be looking for? 15

Some of the main hazards in dockwork 16

Do we have particular responsibilities? 18

What if we are a harbour authority, or dock, berth or terminal operator? 19

What if we are a labour contractor or labour supply company? 21

What if we are a company involved in storage/warehousing and freight forwarding? 22

What if we are a shipowner or shipping agent? 22

What if we are one of the 'other employers'? 22

Key questions for all employers 23

Appendix: Relevant legislation 24

References 26

Further reading 27

Preface

Every year many workers on docks are injured or even killed as a result of their work; others suffer ill health such as back injuries or other musculoskeletal disorders. The industry's performance has improved - but both HSE and the industry wish to see further reductions in the rates of death, injury and ill health.

Employers in the industry are subject to a broad range of health and safety law, including the Health and Safety at Work etc Act 1974 and the Docks Regulations 1988. The importance of good management of health and safety has been highlighted since the introduction of the Management of Health and Safety at Work Regulations in 1992 (revised in 1999).

The Approved Code of Practice and guidance for the Docks Regulations, *Safety in docks*,¹ is widely known and accepted. However, it was felt that additional guidance on the management responsibilities of the many employers and contractors in the industry was needed.

This guidance has been developed in discussion with the docks industry. It seeks to clarify legal duties and responsibilities for employers in the industry. It will also assist in the development of robust and effective health and safety management systems with co-operation, co-ordination and communication between all employers and their workers. This is essential where so many employers and workers depend on one another for the health and safety of all concerned.

Introduction

1 You should read this guidance if you carry out, manage or are involved in dock operations, or if you supply labour for dockwork. This includes dock and harbour authorities, dock operators, shipping lines and shipowners, stevedoring, warehousing, cargo groupage, container packing and maintenance companies, shipping agents and other employers or contractors.

2 Docks have always been dangerous places and people who work there continue to face many hazards, particularly during the loading and unloading of cargoes and the movement and operation of vehicles. Too many accidents are still happening. Even organisations with a good record risk losing it if health and safety is not properly managed. It is very much in your own interests to manage health and safety effectively.

3 In addition to the suffering caused to the people involved, accidents, ill health or incidents can cause considerable losses, including:

- costs of replacing and compensating injured employees or others;
- loss of revenue and extra charges due to delays;
- damaged assets;
- loss of reputation;
- loss of existing and future contracts.

4 Many of these losses will not be covered by insurance. Health and Safety Executive (HSE) studies have shown that the uninsured costs of accidents can be up to 36 times greater than the cost of insurance premiums, as explained in more detail in *The costs of accidents at work*.² HSE has also published a leaflet *Reduce risks - cut costs: The real costs of accidents and ill health at work*³ that allows businesses to calculate what workplace accidents and ill health are costing them. You can also access our website and use an interactive 'ready reckoner' to help you with the calculations (www.hse.gov.uk/costs).

5 Dockwork (including maintenance and similar work) frequently involves a number of different employers and/or contractors. Harbour authorities, dock operators, stevedoring firms, contractors, transport/haulage companies, shipowners, shipping companies with shoreside operations, shipping agents, customers or clients and customs officials can all affect and be affected by one another's activities. The activities of ships' crews can also affect and be affected by others.

6 This book covers some of your main health and safety responsibilities. It explains what you have to do to make sure that your company meets key requirements of health and safety law and gives a number of suggestions on how to do it.

What do we have to do?

7 Your duties will depend on what you do. **All** employers have the basic duties outlined in paragraphs 8-35.

What are our responsibilities to our employees?

8 You must protect the health, safety and welfare of your employees, so far as reasonably practicable, and you should do what you can to protect them from risks created by the activities of other dock or harbour users. You must consult any safety representatives at your company and your employees on matters to do with their health and safety at work.

9 To help you decide what you need to do to protect health and safety, you must assess the risks to your employees. If you employ five or more people, you must make sure that you keep a record of the significant findings of your assessments.

10 Paragraphs 34-35 give further advice on consulting your employees. Guidance on risk assessment is given in paragraphs 63-70. Current legislation relevant to managing health and safety in dockwork is covered in the Appendix.

What if we employ temporary workers?

11 Your duties as an employer to protect the health, safety and welfare of your workers are the same whether they are full-time, part-time, permanent or temporary. This includes workers who are on short-term contracts, rolling contracts, casual workers or contract labour.

12 Although only the courts can give an authoritative interpretation of the law, in considering the application of regulations and guidance to people working under your direction you should consider the legal duties set out in the following paragraph.

13 If you have people working under your control and direction who are treated as self-employed for tax and national insurance purposes, they may nevertheless be treated as your employees for health and safety purposes. You may therefore need to take appropriate action to protect them. If you are in any doubt about who is responsible for the health and safety of a person working for you, this could be clarified and included in the terms of the contract. However, remember, you cannot pass on a legal duty that falls to you under the Health and Safety at Work etc Act 1974 (HSW Act) by means of a contract and you will still have duties towards others under section 3 of the HSW Act. If you intend to employ such workers on the basis that you are not responsible for their health and safety, you should seek legal advice before doing so.

What if we use workers from a labour supplier?

14 The facts of each individual case determine whether or not a worker is treated as your employee for health and safety purposes - including the practical employment relationships between:

- you and the labour supplier;
- you and the worker; and
- the worker and the labour supplier.

15 Workers supplied by a stevedore are likely to remain the employees of the stevedore. However, a recruitment or labour supply agency (such as an employment agency or employment business) may supply:

- workers who are treated as your employees;
- workers who remain their employees; or
- workers from both categories.

In each case, the employment status of the worker is dependent on the way in which the individual placement operates.

16 Where you know the workers are definitely employees of the labour supplier, you must do all the things set out in paragraphs 36-62. As part of this, it is important that you give the labour supplier comprehensive information on the risks to health and safety at your workplace, or from the work you do, and what measures you have put in place to control these risks. This will allow the labour supplier to decide what action they may need to take to protect their employees' health and safety when they are working with you. This reflects the co-operation and co-ordination required between any employers working together.

17 You also need to tell the labour supplier about any qualifications or skills the worker is required to have by law (or by any professional body) to do the job in question, and any specific features of the job that might affect health and safety (eg working at heights).

18 The Port Safety Organisation (now Port Skills and Safety Ltd) have drawn up a *Code of Practice on the Engagement of Non-Permanent Employees on Cargo Handling Operations in the Ports Industry (NPE Code)*⁴. Other guidance for agencies, host employers and agency workers to further clarify roles and responsibilities is due to be published by HSE.

19 The workers themselves will need to be given information on the hazards, risks and measures that protect health and safety at your workplace, including any personal protective equipment that is required. They will also need to be told about any qualifications or skills they need to do the job. You must be clear whether you or the labour supplier will provide this information and any necessary items such as personal protective equipment. If the information etc is to come from the labour supplier, you should check that it has been given to the worker - and that they understand it.

20 Unless it is absolutely clear who employs the workers, you may find it easier to behave as if they were your employees for health and safety purposes.

What do our responsibilities mean in practice?

21 You must ensure that the risks to health and safety from the work, the equipment and the workplace are properly assessed and controlled. The work should be properly planned and managed and you should make sure that the equipment and workplaces you use are safe and without risks to health (even if they belong to someone else). This may include checking relevant documentation, such as records of inspections.

22 The same responsibilities apply for workplaces and equipment on-board ships. You should not allow your employees (or contractors) to work in an area of the ship that is not safe until it has been made safe or a safe method of working, including the use of any necessary personal protective equipment, is in place.

23 You may also want your employees (or contractors) to use equipment on-board, for example during loading and unloading. Ships' equipment has to meet the requirements of shipping legislation but you must still make sure that this equipment is safe before you allow your workers to use it. The master of the ship should hold documents showing that the ship's equipment meets the requirements of shipping law. Unless this documentation is available, you should not allow your employees (or contractors) to use the equipment until any inspections or thorough examinations required by health and safety law have been carried out.

24 If repairs or improvements are required to make equipment safe, you should not allow your employees (or contractors) to use the equipment until it has been made safe.

25 You also need to make sure that any workers you use, from whatever source, are:

- competent, fit and properly trained for the work they are asked to do;
- told about any hazards from their work or that of others and the necessary safe systems of work and other precautions;
- adequately supervised; and
- given the right personal protective equipment when and where it is needed.

How important is training?

26 Training is vital in a workplace such as a dock because the risks to health and safety cannot always be controlled by physical means, such as machinery guards or edge protection. Workers need to be trained so that they can look after their own health and safety and that of the people around them.

27 Training is not a substitute for equipment and workplaces that are safe and without risks to health, or safe systems of work. However, it is a key factor in making sure that the equipment, workplace and system of work combine to protect health and safety.

28 Training can also make workers more efficient, as well as reducing damage to equipment and workplaces caused by them not knowing what they are doing.

How do we make sure that someone is properly trained?

29 You have to decide what training is needed by the people who work for you. You must make sure they receive the training they need, or check that they have already received it.

30 A risk assessment will help you decide what training workers need. The training will depend on the equipment to be used, the particular job and type of work. For example, a worker will need different training to lash vehicles in a roll-on, roll-off vessel, drive a forklift truck in a warehouse, or operate a straddle carrier in a container port. Workers may do more than one job, as long as they have been trained and are fit and competent to do each one.

31 There are good sources of guidance on training in the industry, including information from Port Skills and Safety Ltd (PSS) (see 'Further reading').

32 Operating a certificate, vocational training record or passport scheme which provides evidence of competence that you can check easily will help you make sure that all contract or non-permanent workers are adequately trained. The ports industry Code of Practice, *Code of Practice on the Engagement of Non-Permanent Employees on Cargo Handling Operations in the Ports Industry*⁴ has been adopted

by the industry to set minimum standards. Such a scheme could be adopted and extended to cover a wider range of workers and activities.

33 The industry scheme requires all non-permanent employees working on cargo-handling operations to have a 'port safety induction card' as evidence of safety induction training. This is a good place to start. It is better still to operate a scheme that requires all such workers to be certified as trained, competent and fit for every job they do.

When do we need to consult our employees?

34 You must consult your employees on health and safety matters. Where there are recognised trade unions, consultation should be through safety representatives appointed by the unions. Where there are no recognised trade unions, different arrangements will have to be used, for example through representatives elected by the employees, or directly to the workers.

35 The things you need to consult your employees on are as follows:

- any change that will substantially affect their health and safety at work, eg changes to procedures or equipment;
- the arrangements for getting competent people to help you meet health and safety law;
- the information that they should be given on the hazards and risks from their work and the control measures to protect them;
- the planning of health and safety training;
- the health and safety consequences of any new technology you plan to introduce, for example replacing luffing cranes with container cranes.

What about people who are not our employees?

36 You must also make sure that the risks to other people from the work you do and the premises (including ships), equipment or substances you provide are assessed and controlled (eg the risks to other companies' employees, members of the public, or the self-employed).

37 There are four key things you must do to make sure that you protect the health and safety of people who are not your employees:

- assess and control the risks to these people and give them information;
- make sure that any premises (including ships), plant or substances you provide for others to use are safe and without risks to health;
- co-operate and co-ordinate with other employers when you share a workplace (including a vessel which is being loaded or unloaded); and
- control your contractors.

Assessing, controlling and providing information on risks to others

38 You must assess the risks your activities pose to others. This will help you decide whether these risks are already adequately controlled. If they are not, you should put in place extra measures to reduce them. Often, measures which protect your employees' health and safety will also protect other people's.

39 If another company's employees are working with you or at your premises, you should make sure that both the company and the workers are given information on the hazards and risks at your workplace, or from the work you do, and the control measures in place to protect them.

40 You must think carefully about the safety of members of the public who visit the port. These people are more vulnerable because they may be unfamiliar with the premises and/or the hazards to health and safety at docks.

41 If public rights of way run through the docks, you will have to consider the health and safety of members of the public who may use them. Operations may have to be suspended temporarily to allow people and vehicles to pass safely along rights of way.

Control of premises, plant or substances

42 If you provide or to any extent control a place of work (including a ship), equipment or substances and you allow others to use them:

- you must do everything that is reasonable for a person in your position to do to make sure that they are safe and without risks to health, so far as reasonably practicable. For example, you should ensure that the layout of the workplace segregates vehicles and pedestrians, as far as possible. This is likely to include having defined walkways, roadways and parking areas etc; and
- you should include those places of work, equipment and substances in your risk assessments as outlined in paragraphs 63-70.

43 Your responsibility for health and safety in any particular place, or during any particular task, increases as your control over the place (or task) increases. For instance, as a dock or terminal operator you are unlikely to be responsible for assessments of VDU workstations in the offices of a shipping agent who rents office space from you, as you are unlikely to have any control of the activity, equipment or procedures involved.

44 You are much more likely to have control over common areas and much of the equipment used, such as the berths, linkspans, roads, walkways and cranes. Where you do, you should make sure that these things are kept in a safe condition and that everyone you allow to use or operate them is trained and competent to do so safely.

45 The duties of those in control of premises are likely to be particularly relevant for shipowners (see paragraphs 96-98), as well as harbour authorities and dock, berth and terminal operators (see paragraphs 71-86).

Co-operation and co-ordination

46 You may share health and safety duties with other employers. If you and they co-operate and co-ordinate safety management, all the employers are more likely to meet their legal obligations. Good co-operation and co-ordination are vital where employers share a complex and dynamic workplace such as a dock. This also applies to the relationship between employers and labour suppliers - where co-operation plays an important part in agreeing who will take responsibility for practical health and safety duties such as those described in paragraphs 87-93.

47 It is important that everyone knows what is going on. You must tell other dock users about any hazards and risks that your work gives rise to, and they must do the same for you. This includes any contractors who work for you. Sharing information will help everyone to make sure that they have done enough to protect their workers.

48 All dockwork needs to be planned, but whenever work involves more than one contractor or other party, it is important that everyone involved agrees an overall plan for the work, so that you all know what you are doing. Unless it is very simple, this plan should be written down and should be explained to the workers involved. A copy of the plan should be available for those involved to consult. This will not only help protect health and safety, but may also make the work quicker and mistakes less likely.

49 The plan should cover:

- what each party is responsible for (eg who is going to be in charge, who is providing the crane operator, who is providing the person to signal to the crane operator);
- how each party will do its part of the work (eg whether the cargo will need to be moved by terminal tractors or forklift trucks);
- how each party's work will interface with that of the others (eg whether the person guiding the crane and the crane operator will use radios or handsignals. If communication is to be by radio, what channel is to be used);
- common issues and arrangements (eg for emergencies); and
- how the person in charge will co-ordinate and control the work (eg whether each party will be providing a supervisor, or whether the person in charge will give instructions direct to the workers).

50 This planning is especially important when there is no one company in overall control (ie no principal contractor), for example when a different contractor for each part of the work is engaged by an overseas shipping agent or shipowner with no office in Great Britain. In such cases there are benefits in agreeing to appoint a 'joint health and safety co-ordinator'. The co-ordinator should have enough competence and authority to control the work. However, you cannot absolve yourself of your legal responsibilities simply by appointing such a co-ordinator.

51 If your organisation is in overall control of the port, dock or terminal, as well as being responsible for the premises, you will normally have the right to control the use to which they are put. Also, it is often you who is offering the overall service of the facilities. Therefore, you have a key role in making sure that those using and working in them co-operate with each other and do not endanger each other. This will require co-operation and co-ordination with all dock users, who will also have to satisfy themselves that the common arrangements are good enough to allow them to meet their own legal duties.

52 Regular meetings can play an important part in helping to ensure good co-operation. Some ports have safety committees involving all users as well as having a system of monitoring what is going on. A pre-discharge meeting when a ship comes into port provides a good opportunity to make sure that there is the necessary co-operation between those involved in the work.

53 If your organisation works in a dock etc, you should help the employer in overall control by giving information about your workers and the work you do, and by co-operating with control measures put in place by others.

54 If the dock infrastructure, or plant and equipment, or the ship or its equipment are unsafe, you should make sure that no one working for you, or for other companies working for you, is affected. You should also do whatever you have to, in co-operation with the company in control of the premises or ship, to remove or control such risks. This may mean, for example:

- not using the equipment or area until it is made safe;
- telling the responsible person that a piece of equipment or area is unsafe; and
- helping the employer in control of the dock or ship to make it safe by, for example, using temporary roadways or work areas, or using other suitable pieces of equipment (such as harnesses and lanyards where there is a risk of people falling).

Controlling your contractors

55 The courts have ruled that organisations retain some responsibility for health and safety during work carried out by their contractors.⁵ **You cannot delegate these legal responsibilities.** You cannot just rely on standard clauses requiring contractors to comply with relevant health and safety legislation. You should take steps to:

- make it a policy to check whether your existing and prospective contractors' arrangements and organisation for health and safety are good enough to make sure that they can carry out their tasks safely;
- co-ordinate and control the work they carry out on your behalf;
- monitor their performance; and
- review how well your policy, control and monitoring arrangements are working and implement any lessons you learn.

56 Your **policy** on assessing contractors should use a number of criteria:

- At the pre-tender stage, ask for details of health and safety documents, for example the health and safety policy and copies of risk assessments for the work included in the contract. Pay particular attention to staff training.
- Interview shortlisted contractors and/or visit current work to assess health and safety standards, for example examine worker training schemes and vehicle maintenance programmes.
- Investigate past performance. Useful information can include references from current and former clients, and the results of internal audits and inspections.
- Monitor performance throughout the term of the contract.

57 You should **co-ordinate** and **control** the performance of your contractors through a combination of the following:

- Appoint a supervisor to control work involving more than one contractor, for example when loading or unloading vessels. This could be a member of your own staff, or an appointed member of staff from one of the contractors working for you. They should have enough authority to control the work and should be working to an agreed plan for it.
- Plan the work beforehand. This needs to be more than just a statement that everyone should comply with health and safety law. The plan should be agreed by all the companies involved. It should contain all the information in the plans discussed in paragraphs 48-49.
- Undertake joint risk assessments of the work you do with others. These assessments should help to set the performance standards and methods of work, including any plans. You will need to take account of differences between companies' management, supervision, equipment and training. However, it is important that joint risk assessments do not lead to inadequate health and safety standards for any of the people or companies using them.
- Agree performance standards on health and safety, for example how often vehicles should be maintained and standards for training and refresher training.

58 For **performance monitoring** to be effective it should cover several factors, such as:

- Methods of work - do the workers actually follow the contractor's standing instructions or method statements? Is the plan being followed and if it isn't why is this?
- Are obvious and/or serious health and safety risks being controlled, for example is enough being done to prevent falls from heights or people being struck by moving vehicles?
- Are contractors' employees following common rules, for example are they wearing hi-visibility (hi-viz) clothing?

59 The people monitoring performance should be trained to spot unsafe practices and should have enough resources, including time, to carry out this task.

60 Your **review** of how you control your contractors should ask:

- Are we doing enough?
- Are we doing what we said we would do and if we aren't why is this?
- What do we need to do to correct this?
- Are we doing the right things?
- Is what we do effective and if it isn't why is this?
- How do we make it work?

61 Your review will need to look at all the stages above. It should be carried out periodically. The interval between reviews will vary. Procedures should be reviewed more often at the beginning of their life and whenever there are signs that your control is inadequate.

62 You may wish to develop partnerships with your contractors, for example by providing health and safety advice to them. HSE research shows that clients who established a partnership approach with their contractors found that it reduced business costs and losses.⁶ Your partners could be involved in all the stages described in paragraph 60.

What should we be looking for?

63 You need to decide whether you have done enough to prevent accidents and ill health. Risk assessments can help you do this. They will help you to decide if you are complying with the law, or whether you need to do more to protect health and safety.

64 You will find that involving safety representatives and your employees in the assessment process will give you a better picture of how things are actually done at your workplace, and what control measures will work best.

65 You may also find that you need advice from a competent person to help you decide how much you need to do to meet the requirements of health and safety law. You may need more than one person to make sure you cover all the risks at your workplace. You may find that you already have the right people within your organisation, or you may need to seek outside help. You will need to consult your employees on the arrangements for appointing the competent person(s).

66 See the 'Further reading' section for details of publications which give guidance on doing risk assessments. In brief, when doing a risk assessment you need to ask the following questions.

Questions for a risk assessment

- What are the hazards from the work?
- Who can be harmed and how?
- What are the risks?
- Are they being controlled?
- If not, what more do I need to do and how soon do I need to do it?
- Have I recorded the results of my assessment?
- Do I need to review and revise my assessment?
- When do I need to do this?

67 Remember that a **hazard** is anything that can cause harm, a **risk** is the chance, great or small, that someone will be harmed by a hazard (please see the table after paragraph 70).

68 The best form of control is to avoid the hazard or eliminate the risk, for example by doing the work in a different way. You may already have the risks from the work under control with your existing precautions, or you may be able to use precautions provided by someone else (for example, integral edge protection to ships' holds).

69 However, you may find that additional precautions may be required to control the risks. These may be needed for all your work, such as increased maintenance to keep equipment in a safe condition. Alternatively, they may be needed for particular tasks. For example, you may need to supply extra fire-fighting equipment where higher than usual fire risks exist, or dust control equipment when handling grain or other dusty cargoes.

70 If you are working with others, or in the same place as others, you should co-operate with them to make sure that the risks to all the workers are controlled. For example, if you are a tenant in a warehouse leased from the dock operator, you may have contractors working for the landlord in your workplace conducting repairs. Although the contractor is not working for you, and you are not working together, you should still co-operate to make sure all the workers are safe. This

may mean that you keep your workers away from certain areas of the warehouse until the work is complete, while the contractor's workers keep to certain routes into, out of and around the warehouse that keep them away from areas in which your vehicles are moving.

Some of the main hazards in dockwork

Hazard	Possible sources
<i>Falls from heights</i>	<ul style="list-style-type: none"> ■ Pedestrian access to vessel ■ Container top working ■ Container lashing ■ Open holds on ships ■ Edges of cargo stows ■ Sheeting of lorries ■ Weather conditions and tidal movements
<i>Moving vehicles and equipment</i>	<ul style="list-style-type: none"> ■ Loading and unloading of 'roll-on, roll-off' vessels ('ro-ros') ■ Movement of terminal tractors (more commonly known as 'tugmasters') on the dockside ■ Container handling plant ■ Forklift trucks ■ Proximity and positioning of dockside plant and equipment (eg collision risk and visibility into holds)
<i>Falling objects</i>	<ul style="list-style-type: none"> ■ Lifting and suspension of loads, stacks of cargo (such as paper and pulp, timber and steel) ■ Lashing bars and fittings for freight containers ■ Loose items on pallets
<i>Slips and trips</i>	<ul style="list-style-type: none"> ■ Wet or icy surfaces ■ Badly stowed ropes, cables, container lashing gear and other equipment ■ Discarded packing and pallets
<i>Fire and explosion</i>	<ul style="list-style-type: none"> ■ Flammable liquids and gases ■ Explosive or unstable cargoes ■ Spontaneous combustion (eg coal in bulk)

Hazardous or asphyxiant substances

- Dangerous goods
- Cargoes which can cause asthma (sensitisers), such as flour
- Confined spaces containing toxic substances or residues (eg tankers carrying hydrocarbons or fumigated holds or containers) or with depleted oxygen content (eg holds containing ripening produce)

Musculoskeletal disorders

- Manual handling of loads (including manual manoeuvring of lifting gear and attachments or slung loads)
- Operating container cranes, straddle carriers, tugmasters and other similar vehicles, and other plant and equipment

Hazards from the weather

- Cold or wet weather can reduce concentration and make manual tasks more difficult
- Hot weather can result in heat exhaustion, sunburn etc
- Wet, icy or windy conditions can increase the risk of slips, trips and falls

Hazards from tidal movements

- Effects on the safety of access to and egress from ships
- Visibility difficulties during loading operations (eg crane work)
- Collision between dockside equipment and vessel with tidal movement

Do we have particular responsibilities?

71 You may have particular responsibilities depending on what you do. You will fall into one (or more) of five main groups:

- harbour authorities and dock, berth and terminal operators;
- labour suppliers;
- warehouse operators and freight forwarders;
- shipowners and shipping agents;
- others.

72 The following definitions will help you decide which category you fit into. If your organisation has more than one role it will have the responsibilities of each role.

Which category do we fall into?

Harbour authorities and dock, berth and terminal operators and companies

You will be a harbour authority or dock, berth and terminal operator, if you are:

A statutory harbour authority

Most docks and ports are situated within a Statutory Harbour Authority (SHA) area. As an SHA, you will usually have powers to make 'bye-laws' on harbour activities, and powers to enforce them within the defined 'harbour area'. You may own land or premises and you may also be a 'dock company'.

A dock company

If you are a 'dock company' you may also be known as a harbour company, or a port operating company. You will usually manage the dock premises. You may employ dockworkers directly or via a contractor, and so you may also be a 'dock operator'. Alternatively, you may lease premises to a 'dock operator'.

A dock operator

If you are a 'dock operator' you will carry out dock operations, such as mooring, cargo handling and storage. You may do the work directly by employing dockworkers yourself, or you may employ stevedoring or berth operating companies to do the work. You may lease out parts of the dock premises, such as berths, wharves, quays etc to a berth operator or stevedore.

A berth or terminal operator

If you are a 'berth operator' or 'terminal operator' you will carry out dock operations at specific berths or on a terminal. You may own the berths or terminal, or you may lease them. In some cases you will simply be allowed to use them by the SHA, dock company or dock operator. You may employ dockworkers and be a stevedoring company, or you may make use of stevedores or workers from other labour suppliers.

Labour contractors and labour suppliers

You will be a labour contractor or labour supplier if you are:

A stevedoring company

If you are a stevedoring company you will employ dockworkers. You may also own, lease or operate a berth, terminal or other dock facilities. Dockworkers may be 'direct labour' employees, 'contract labour' supplied by an employment agency or business, or working on a 'self-employed' or 'casual labour' basis.

A recruitment or labour supply agency

These include employment agencies and employment businesses. There is increasing use of such labour suppliers in dockwork.

Storage/warehousing and freight forwarding

You will be a company involved in storage/warehousing and freight forwarding if you provide temporary storage for goods before they are moved onwards. You may also prepare goods for further transit, for example by consolidating loads or packing them into freight containers.

Shipowners and shipping agents

As a shipowner or shipping agent you will be involved in the transport of goods by sea. This may include the preparation of documentation, arranging for the actual transport of goods by ship, as well as arranging ancillary activities such as loading and unloading of goods.

Other employers and employees

Many other people work in dock areas, eg mooring crews, delivery drivers, customs and excise staff, representatives and quality assurance staff from customers and clients etc.

What if we are a harbour authority, or dock, berth or terminal operator?

73 If you are the owner or landlord and have control of part or all of the dock premises, you must make sure, so far as is reasonably practicable, that they are safe and you must pass on any relevant health and safety information about the premises to others. You may also be in control of all or part of the infrastructure, in which case you must also make sure that these parts are safe and pass on any relevant health and safety information about the infrastructure to others. You may also specify certain areas where personal protective equipment such as high-visibility clothing or head protection should be worn. In cases where parts of dock premises or infrastructure are leased to tenants, the leasing arrangements should make clear the extent to which the tenant has control of the premises and infrastructure.

74 If you provide equipment such as cranes, lift trucks, vehicles and lifting equipment for other dock users, you are responsible for the safety, maintenance, statutory examination etc of such equipment, unless this responsibility is clearly transferred by contract. Where this is the case with your contractors, you may still need to check that they are carrying out their work safely (paragraphs 55-62 give further advice).

75 If you provide drivers or operators for the equipment, you are responsible for their training, medical fitness, competence and authorisation. If drivers are brought

in, their employer will have those responsibilities, but you will need to satisfy yourself, as the provider of the equipment, that they have been discharged.

76 If your organisation is a dock company, it is likely that you will be able to exercise some control over other employers and their employees on parts of your premises. If so, you will have some responsibility to make sure that these people are not endangering others in areas which you control. This does not mean that you take on their responsibilities to their employees or others.

77 Parts of dock premises where a dock company is likely to be able to exercise some control usually include dock roadways, berths (other than those under the permanent control of a berth or terminal operator) and common-use facilities, such as storage and parking areas.

78 If you are a harbour authority, or dock, berth or terminal operator, you may be able to provide guidance on minimum standards of competence, training, safe systems of work, supervision and personal protective equipment. For example, you may be able to provide guidance on minimum standards of training for drivers of specialist dockside equipment owned and operated by dock users, such as terminal tractors. To be fully effective, any such guidance should be supported by some form of control or monitoring, for example workplace spot checks.

79 In particular, adequate training is essential for safety in docks, and you should get confirmation from other employers using the dock that all the workers they use, whether their own or employed by someone else, are properly trained.

80 If you are a dock company you may have powers to control access to and from the dock, terminals, berths, warehouses and cargo storage areas etc. In that case, you will be able to exercise some control over who works on or visits those sites and/or the vehicles they use.

81 A good way of exercising control over competence is to operate a 'health and safety passport' scheme for dockworkers, so that no individual is allowed on site to do cargo handling without an appropriate 'pass'. For such a scheme to be fully effective, some overall control is necessary and the passes should either be issued by you, or by organisations you have assessed and approved to issue passes on their own behalf. Passes should not be issued unless there is evidence of relevant training and competence. As docks vary widely, any passes should be specific to operations in the dock where they were issued.

82 The ports industry's *Code of Practice on the Engagement of Non-Permanent Employees on Cargo Handling Operations in the Ports Industry*⁴ provides a good foundation for health and safety passport training schemes. HSE will be publishing further guidance on such schemes, including advice on how to monitor them.

83 Similarly, it is possible to use a pass system to exercise control over vehicles. Such controls are particularly relevant for vehicles which remain on your premises and do not have to meet the Road Traffic Act standards (eg terminal tractors) as these could otherwise be allowed to deteriorate and become a danger to all dock users, in which case the scheme could ask for evidence of effective maintenance before a pass is issued. This does not detract from the responsibilities of the operator of the vehicle. There would not normally be any health and safety benefits in applying such a scheme to visiting vehicles except if there was a need to limit the numbers of vehicles in the docks or in a particular area or to ensure that visiting vehicles are accompanied.

84 In some areas you may need to continuously monitor dock users. These include parts of container terminals and ferry terminals handling accompanied

vehicles, where pedestrians, such as car passengers and lorry drivers awaiting loading or unloading of their vehicles, are particularly at risk from mobile plant.

85 It is unlikely that you will be able to continuously monitor dock users' activities throughout the areas that you control. Nevertheless, it is reasonably practicable for you to monitor on a sample basis and check that port users and those working for them are competent enough to work in the docks safely.

86 Checks such as these do not mean that you take on the responsibilities of the workers' employer or the vehicle operator. Employers must still make sure that their workers are competent, trained and fit for the work that they are to do, and vehicle operators must make sure that their vehicles are safe and their drivers competent. However, any checks you make will help to reduce the chance that someone who is not trained or fit or competent will begin working at the dock and be injured or injure someone else, or that an unsafe vehicle will injure someone.

What if we are a labour contractor or labour supply company?

87 You still have responsibility for your employees' health and safety if they are working at someone else's premises and/or under someone else's direct day-to-day control. You must make sure that none of your employees do work for which they are not fit and trained or otherwise competent. You must also make sure that they have the correct personal protective equipment, either by providing it yourself, or ensuring that the client organisation will provide it.

88 You need to make certain who will be the employer of the workers you supply. If your organisation is a stevedoring company, it is likely that you will remain the employer, as your company will be contracted to load or unload a particular ship, berth or shipping line. As a recruitment or labour supply agency you may supply workers who are treated as employees of the client organisation, or workers who remain your employees, or workers of both types. If you remain the employer of the workers then you retain all the duties outlined in paragraphs 8-35.

89 In some situations it may be more practical for the client organisation to undertake some of the duties, for example risk assessment. You should co-operate with the client organisation to agree who will take responsibility for what, and make sure that the worker also knows the position. If you agree with the client organisation that they will carry out some duties on your behalf, you are still responsible for ensuring that they have fulfilled these responsibilities.

90 You have a responsibility to make sure the staff you supply are properly trained for the work they will be asked to do. Situations have arisen, for example, where contract employment workers have been employed as warehousemen and then asked to unload ships.

91 You should find out as much as you need to from the client organisation and the prospective workers to select people suitable for the work. The client should tell you about any specific requirements including any special occupational qualifications or training needed for the work, and any requirements for personal protective equipment. You are entitled to all this information by law. You should pass this information on to the worker and make sure they understand it. You should also tell the client anything they could not reasonably be expected to know about, such as the worker's capabilities and experience levels, and any special needs of young people, part-time workers and new workers.

92 The workers must also be provided with information on the hazards and risks to their health and safety at the workplace, or from the work done there, and the

measures in place to protect them, including any necessary personal protective equipment. This can come from you or from the client organisation, but it should be clear **who** is supplying it.

93 Remember that if you use a labour contractor you should follow the guidance in paragraphs 55-62 on control of contractors.

What if we are a company involved in storage/warehousing and freight forwarding?

94 If your organisation is engaged in warehousing, freight forwarding and/or storage, you need to make sure that your work activities do not put others at risk and you should not allow anyone to use work equipment (including vehicles such as forklift trucks, shovel loaders etc) for which they have not been trained.

95 If your organisation shares facilities you need to co-operate with the other employers. This includes sharing information about any hazards from products you are storing.

What if we are a shipowner or shipping agent?

96 If your organisation is a shipowner or operator or a shipping agent, you will need to make sure that you control any contractors you use. For example, you may contract stevedores to unload or load your customers' cargo.

97 If you are a shipowner, you may provide a place of work and/or equipment for others to use, such as workers employed by the port operator or a stevedore. You must make sure that the places of work and equipment you provide are safe and without risks to health, so far as reasonably practicable. For example, you will need to make sure that workers have a safe place to stand to lash containers, or that floors and walkways in ships' holds are in safe condition.

98 A shore-based company may not allow its workers to load or unload part or all of your ship if the work cannot be done safely or without risk to health. They will do this to avoid breaking the law. You will be just as subject to our laws if you expose your crew to the same dangers by giving the work to them instead. You might also remember that loading and unloading may take longer if the ship and ship's equipment are not safe.

What if we are one of the 'other employers'?

99 What your organisation does is likely to affect others in the dock area, and vice versa. So, like all employers at a dock, you must co-operate to minimise health and safety risks, and provide information to others to allow them to protect their employees' health and safety. You should also make sure that you control your contractors, as discussed in paragraphs 55-62.

Key questions for all employers

- Have we identified and assessed the hazards and risks from our facilities, plant and work?
- Have we got enough information on the risks to our staff from others' activities and work?
- Have we put in place adequate measures to control the risks?
- Have we checked that everyone who is likely to be affected by these hazards has been told about them, and understands what they have been told?
- If we work with others, are we all clear who is responsible for controlling the risks? Have we defined this in the contracts?
- Do we have good lines of communication with neighbouring organisations?
- Are we sure that all people in the work area have been given adequate induction training?
- Are we sure that all the people doing the work have been properly trained to carry it out and are competent to do so safely?
- Are we sure that the work has been properly planned?
- Do we check that precautions are actually controlling the risks? Also, do we check that workers are using them?
- Do we review and improve health and safety arrangements as and when needed? Do we do this in a systematic way?
- Do we have adequate emergency arrangements - and are we aware of the emergency arrangements of others where they affect us?
- Have we consulted our safety representatives and employees and are we keeping them fully informed?
- Do we need to do anything more to protect health and safety?

Appendix: Relevant legislation

This publication does not provide full legal commentary on your responsibilities but this appendix discusses some of the key legislation. Please see 'References' and 'Further reading' for details of other guidance on this legislation.

The Health and Safety at Work etc Act 1974 (HSW Act)

This requires employers to ensure the health and safety, so far as reasonably practicable, of their employees and other persons affected by their activities. This includes the employees of their contractors, members of the public and other people who may be affected by the work, such as other dock users.

The HSW Act also places duties on those who control a place of work which they make available to people who are not their employees, or those who control any plant or substance provided in such a place. It requires them to ensure that the premises, plant or substance are safe and without risks to health, so far as is reasonably practicable.

The Management of Health and Safety at Work Regulations 1999

These Regulations require employers to assess the risks arising out of their work activities and set out principles on which precautions should be based. The Regulations also require employers to make appropriate arrangements for the effective planning, organisation, control, monitoring and review of the measures they need to take to comply with health and safety law. They require employers to appoint one or more competent persons to provide advice where necessary to ensure that health and safety law is met. There is also a requirement on all employers who share a workplace to co-operate with each other and co-ordinate the steps they take to comply with health and safety law.

The Docks Regulations 1988

These Regulations apply to all dock operations taking place on dock premises and lay down minimum requirements on premises, some equipment and vehicles. Regulation 5 requires dock operations to be planned and executed so that people are not exposed to danger. They are supported by an Approved Code of Practice that illustrates means by which the requirements in the Regulations can be met.

The Safety Representatives and Safety Committees Regulations 1977

These Regulations provide a legal framework for employers and trade unions to reach agreement on arrangements for safety representatives and safety committees to operate in their workplace. The Regulations also confer certain rights on safety representatives.

The Health and Safety (Consultation with Employees) Regulations 1996

These Regulations require employers to consult workers who are not members of a trade union on matters affecting their health and safety. A trade union may agree to represent the interests of non-members on health and safety matters.

Other important health and safety legislation

Other relevant legislation includes:

- The Workplace (Health, Safety and Welfare) Regulations 1992
- The Manual Handling Operations Regulations 1992
- The Provision and Use of Work Equipment Regulations 1998
- The Lifting Operations and Lifting Equipment Regulations 1998
- The Conduct of Employment Agencies and Employment Businesses Regulations 1976 (to be replaced in due course by new Regulations)
- The Loading and Unloading of Fishing Vessels Regulations 1988
- The Dangerous Substances in Harbour Areas Regulations 1987 (to be replaced in due course by the Dangerous Goods in Harbour Areas Regulations)

References

- 1 *Safety in docks. Docks Regulations 1988. Approved Code of Practice with Regulations and guidance* COP25 HSE Books 1988 ISBN 0 7176 1408 5
- 2 *The costs of accidents at work* HSG96 (Second edition) HSE Books 1997 ISBN 0 7176 1343 7
- 3 *Reduce risks - cut costs: The real costs of accidents and ill health at work* Leaflet INDG355 HSE Books 2002 (single copy free or priced packs of 15 ISBN 0 7176 2337 8). See also the interactive 'ready reckoner' at www.hse.gov.uk/costs
- 4 *Code of Practice on the Engagement of Non-Permanent Employees on Cargo Handling Operations in the Ports Industry* PSO, BPA, UKMPG and UKAPTO 2000
- 5 *R vs Associated Octel Co Ltd* (1996) 1 WLR 1543
- 6 *Managing risk - adding value. How big firms manage contractual relations to reduce risk* HSE Books 1998 ISBN 0 7176 1536 7

Further reading

Port Industry Guidelines for Safety Induction Training for Cargo Handlers Research and Information Series No 2 Ports Safety Organisation (PSO) 1997

Standards for Competence in Stevedoring, Marine Operations and Port Passenger Operations British Ports Industry Training (BPIT)

Health and Safety at Work etc Act 1974 Ch37 The Stationery Office 1974 ISBN 0 10 543774 3

Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22 (Second edition) HSE Books 1998 ISBN 0 7176 1626 6

Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and guidance L113 HSE Books 1998 ISBN 0 7176 1628 2

Manual handling. Manual Handling Operations Regulations 1992. Guidance on Regulations L23 (Second edition) HSE Books 1998 ISBN 0 7176 2415 3

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice L24 HSE Books 1992 ISBN 0 7176 0413 6

Safety representatives and safety committees L87 (Third edition) HSE Books 1996 ISBN 0 7176 1220 1

A guide to the Health and Safety (Consultation with Employees) Regulations 1996. Guidance on Regulations L95 HSE Books 1996 ISBN 0 7176 1234 1

Management of health and safety at work. Management of Health and Safety at Work Regulations 1999. Approved Code of Practice and guidance L21 (Second edition) HSE Books 2000 ISBN 0 7176 2488 9

Successful health and safety management HSG65 (Second edition) HSE Books 1997 ISBN 0 7176 1276 7

Managing health and safety: Five steps to success Leaflet INDG275 HSE Books 1998 (single copy free)

Five steps to risk assessment Leaflet INDG163(rev1) HSE Books 1998 (single copy free or priced packs of 10 ISBN 0 7176 1565 0)

Five steps to information, instruction and training Leaflet INDG213 HSE Books 1996 (single copy free or priced packs of 10 ISBN 0 7176 1235 X)

Working together: Guidance on health and safety for contractors and suppliers Leaflet INDG268(rev) HSE Books 2002 (single copy free or priced packs of 10 ISBN 0 7176 2253 3)

Managing contractors: A guide for employers HSG159 HSE Books 1997 ISBN 0 7176 1196 5

The freeing of jammed freight containers and container fittings on ships Docks Information Sheet DIS1 HSE Books 1992

Health hazards from dusty cargoes during the loading and unloading of ships
Docks Information Sheet DIS2(rev) HSE Books 1998

Explosives aspects of port emergency plans Docks Information Sheet DIS3(rev)
HSE Books 1998

Fatigue in dock work Docks Information Sheet DIS4 HSE Books 1994

Ships radar in ports Docks Information Sheet DIS5 HSE Books 1994

Hot work at docks Docks Information Sheet DIS6 HSE Books 1995

Safe working on top of containers on board ship Docks Information Sheet DIS7
HSE Books 2000

Further information

For information about health and safety ring HSE's Infoline Tel: 0845 345 0055
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e-mail: customer.services@tso.co.uk Website: www.tso.co.uk (They are also
available from bookshops.) Statutory Instruments can be viewed free of charge
at www.opsi.gov.uk.

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