



## Gibraltar Maritime Administration

HM Government of Gibraltar

Watergate House  
2/8 Casemates Square  
Gibraltar

Tel (+350) 200 46862 / 47771 / 50424  
Fax (+350) 200 47770  
e-mail: [maritime.survey@gibraltar.gov.gi](mailto:maritime.survey@gibraltar.gov.gi)  
[maritime.registry@gibraltar.gov.gi](mailto:maritime.registry@gibraltar.gov.gi)

### Maritime Labour Notice (MLN) – 017(a)

*(This MLN supersedes MLN 017)*

---

To: Ship Owners, Operators, Masters, Officers and Classification Societies

---

#### MLN 4.3(A) Health and Safety Policies and Programmes

This MLN is part of a series of MLN's which provide guidance on compliance with Gibraltar regulations which give effect to MLC 2006 Title 4.3. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.

The guidelines do not preclude the shipowner from demonstrating an equivalent or higher standard as an "alternative method" of evidence of compliance.

Documents referred to in this notice:

Maritime Labour Convention 2006

Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2012. Reg. 30

Health and Safety Executive, Five steps to risk assessment (INDG163);

Health and Safety Executive; Understanding Health Surveillance at work (INDG304); and

Maritime and Coastguard Agency, Code of Safe Working Practice for Merchant Seamen.

Most regulations and notices are available on the Gibraltar Government website:

[www.gibraltarship.com](http://www.gibraltarship.com)

#### Gibraltar Maritime Administration Health and Safety Guidelines

The series of MLN's for MLC Regulation 4.3 are referred to as the "Gibraltar Maritime Administration Health and Safety Guidelines". The objective of this MLN series is to explain and where necessary give guidance on the Gibraltar Maritime Administration Health and Safety Regulations.

<b>MLN 4.3(A) Health and Safety Policies and Programmes</b>	
<u><b>Contents</b></u>	<b>Page Number</b>
Section 1 General Duties	3 - 5
Section 2 Safety Officials and Safety Committee	6 - 11
Section 3 Personal Protective Equipment	12 - 13
Section 4 Health and Safety Training	14
Section 5 Risk Assessment	15 - 16
Section 6 Health Surveillance	17 - 18
Section 7 Young Persons	19 - 21
Schedule (Young Persons) List of Agents, Processes and Work	22 - 23

## **SECTION 1 General Duties**

### 1.1 General Duties of the Shipowner

.1 The shipowner has a responsibility to ensure seafarers are provided with occupational health protection and to make provision for seafarers to live, work and train on board the ship in a safe and hygienic environment.

.2 In carrying out this responsibility the shipowner shall ensure there are reasonable precautions to prevent occupational accidents, injuries and diseases on board the ship. This includes measures to reduce and prevent the risk of exposure to harmful levels of ambient factors (including noise and vibration) and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board the ship.

.3 Account should also be taken of the latest version of the Guidance on eliminating shipboard harassment and bullying jointly published by the International Chamber of Shipping and the International Transport Workers' Federation.

.4 MLN 4.3 (B – D) has been produced to explain the measures to reduce and prevent the risk of seafarers being exposed to noise, vibration and chemicals.

.5 The shipowner has to apply the following principles with regard to carrying out their health and safety responsibilities –

1. give precedence to the safety of life and of the ship;
2. the avoidance of risks;
3. evaluation and action to minimise unavoidable risks;
4. the adoption of work practices and procedures which minimise any adverse effects on the health of seafarers;
5. the adoption of procedures to take account of new technology, changes in working practices, equipment and other factors which may affect the health and safety of seafarers; and
6. the adoption of a coherent approach to management of the vessel, taking into account health and safety at every level of the management.

### 1.2 Health and Safety Measures

.1 The shipowner must also apply the following health and safety measures –

1. implement a general health and safety policy which shall be maintained and revised as appropriate and shall be available to all seafarers;
2. provide appropriate and relevant information and instruction, training and supervision as necessary for seafarers (refer to Section 4);
3. make appropriate arrangements, having regard to the nature of the activities, for the effective planning, organisation, control, monitoring and review of preventative and protective measures;
4. carry out health surveillance as may be appropriate having regard to any risks identified in the risk assessment (refer to Section 6);
5. ensure that seafarers do not have access to any area of the ship to which it may be necessary to restrict access on grounds of health or safety, unless the seafarer has received adequate training or instruction appropriate to the entry into that area;
6. maintain an environment for persons on board the ship that is safe and without risk to health; and
7. collaborate with others who employ persons on board the ship at any time who are engaged in loading or unloading activities to protect the health and safety of all persons on board the ship.

### 1.3 Shipowner's duty to consult with other employers

.1 The shipowner has overall responsibility for health and safety on the vessel, where there are seafarers and other persons employed on the vessel who are not employed by the shipowner (for example riding squads, dive technicians, cable maintenance engineers etc) the shipowner must –

- .1 consult with any other employer or self-employed persons regarding all health and safety arrangements and requirements for Risk Assessments;
- .2 co-ordinate arrangements for the protection of all persons employed on board the ship and the prevention of risk to their health and safety; and
- .3 ensure that all persons employed on board the ship are informed, so far as is practicable, of the risks to health arising on board ship and of any co-ordination arrangements.

### 1.4 Employers

.1 It is the duty of employers and self-employed persons to inform the shipowner of any risks to health and safety arising from any tasks that they are carrying out on board the vessel.

.2 For example: a cable laying team on an offshore vessel intend to carry out hot-work on the aft deck. In order for this task to be carried out safely the employer has a written procedure requiring the team supervisor to co-ordinate a permit to work with the vessel's safety officer. This is to ensure all departments on the vessel are aware that hot-work is being carried out.

### 1.5 Seafarers and employees

.1 It is the responsibility of all persons employed on board the ship to –

- .1 take care of their own health and safety and that of others on board who may be affected by their acts or omissions;
- .2 co-operate with the shipowner in carrying out health and safety duties;
- .3 inform the Master or the safety officer of any matter which has come to their attention which they consider to be a risk to health and safety;
- .4 make proper use of any personal protective equipment provided for their use; and
- .5 use any machinery, equipment, dangerous substance, safety device or other equipment provided on the ship in accordance with the instructions provided for its use and follow the training and instruction provided by the shipowner or employer.

### 1.6 Prohibitions

#### Shipowner

.1 The shipowner must ensure that occupational health protection required by the Health and Safety Regulations must be provided at no cost to the seafarer.

#### All persons

.2 It is an offence for any person to intentionally or recklessly interfere with or misuse anything provided in the interests of health and safety.

## SECTION 2

### Safety Officials and Safety Committee

#### 2.1 Safety Officer

- .1 Safety officers are required on all vessels.
- .2 The safety officer is a person designated to take specific responsibility for the implementation of and compliance with the ship's occupational health and safety policies and programmes.
- .3 The safety officer may be the Master, however it is recommended that where possible this task is designated to another seafarer as the Master already has duties under the health and safety regulations.
- .4 There is no legal requirement for safety officers to be given any formal training, but they must be aware of their responsibilities and be effective in carrying them out. To ensure this is achieved it is recommended that the safety officer attends either a shipboard training scheme or a shore based course to give them an understanding of their duties. Shipboard training schemes could comprise of computer-based training, understudying the existing safety officer, or by being given information and instruction.
- .5 The safety officer must use their best endeavours to ensure that the provisions of the shipowner's occupational health and safety policies and programmes are implemented and being complied with.
- .6 Therefore the safety officer will require a certain amount of experience in working on board ships. For this reason it is a requirement that the safety officer has -
  - a. at least 2 years sea service since attaining the age of 18; and
  - b. if serving on tankers, the 2 years sea service shall include at least 6 months sea service on tankers.

#### 2.2 Safety Officer's Duties

The safety officer has the following duties –

##### 2.2.1 Investigation of every accident and marine incident

- .1 The safety officer has to investigate every *accident* and *marine incident*.
- .2 A *marine incident* can be described as a near miss, or an event which could have resulted in an accident. The definition given in the regulations is –
  - a. "An event or sequence of events other than an accident which has occurred directly in connection with the operations of a ship that endangered, or if not corrected would endanger the safety of the ship, its occupants or any other person or the environment. However a marine incident does not include a deliberate act or omission with the intention to cause harm to the ship, its occupants or any other persons or the environment."
  - b. An *accident* is an event, or a sequence of events that has resulted in any injury to a person or any damage to the ship, which have occurred directly in connection with the operations of a ship.

c. *Damage* to the *ship* includes but is not limited to any of the following –

- a. any fire or explosion;
- b. the collapse or bursting of any pressure vessel, pipeline or valve or the accidental ignition of anything in a pipeline;
- c. the collapse or failure of any lifting equipment, access equipment, hatch cover, staging or bosun's chair or any associated load bearing parts;
- d. the uncontrolled release or escape of any harmful substance or agent; or
- e. any collapse of cargo or unintended movement of cargo sufficient to cause a list or loss or cargo overboard.

.3 The safety officer does not have to investigate accidents which have resulted in material damage to the ship, the loss of a person from a ship, the abandonment of the ship or any accident which results in the death of a person.

.4 *Material damage* to the *ship* includes the destruction of the ship or damage which has significantly affected the structural integrity, performance or operational characteristics of the ship which requires major repair or replacement of a major component or components.

.5 All accidents or incidents should be thoroughly investigated by the safety officer in order to determine the root causes. Following the investigation records have to be maintained which as a minimum must contain the following -

- a. the date, the persons involved and the nature of the injuries suffered;
- b. all statements made by any witnesses; and
- c. recommendations to prevent future similar accidents or incidents.

.5 These records shall be made available on request to any safety representative, the safety committee, the Master or the Gibraltar Maritime Administration.

.6 Accidents have to be reported to the Gibraltar Maritime Administration using the Incident Report Form attached to SGN 021 (more details can be found in MLN 4.3(E)). The safety officer in conjunction with the vessel's Master should ensure this is carried out. On receipt of the Incident Report Form the Gibraltar Maritime Administration may request further records regarding the accident from the safety officer.

#### 2.2.2 Investigation of complaints by seafarers about occupational health and safety

.1 Seafarers on the vessel shall address any complaints regarding health and safety directly to the safety officer. The safety officer is then required to investigate the complaint. If however the safety officer considers the complaint to be frivolous or vexatious then the safety officer is not required to carry out an investigation.

.2 The safety officer must maintain a record of any complaints that have been investigated. These records shall be made available on request to any safety representative, the safety committee, the Master or the Gibraltar Maritime Administration.

#### 2.2.3 Investigation upon request by the safety committee

.1 Following an investigation which has been carried out by request from the safety committee the safety officer must report the findings of the investigation back to the safety committee.

#### 2.2.4 Occupational health and safety inspections

.1 Occupational health and safety inspections must be carried out at a minimum of once every 3 months and cover all accessible parts of the ship. For larger vessels it is recommended that different parts of the vessel are inspected separately, either on a weekly or monthly basis. If there have been substantial changes in the conditions of work on board, for example with the vessel going into dry dock, more frequent inspections are required.

.2 Reports of the inspections should be maintained on the vessel and include any deficiencies which are still outstanding.

#### 2.2.5 Ensuring deficiencies are reported

.1 The safety officer shall make representations and where appropriate, recommendations to the Master and through the Master to the shipowner about any deficiency in the ship relating to the ships occupational health and safety policies and programmes.

.2 For example: the safety officer may discover as part of a health and safety inspection that the crane has not been load tested at the required 5 yearly interval. Because this is not a task the safety officer can carry out personally, the Master will have to be informed. This is in order that arrangements can be made for the test to be carried out and the Master will also have to inform the shipowner that the test is outstanding.

#### 2.2.6 Improving the standard of safety consciousness among seafarers

.1 The safety officer must take a proactive role in safety awareness. This can be achieved by –

- a. ensuring (as far as possible) that safety instructions and guidance are followed. For example: this includes safety instructions for machinery, life saving equipment or fire fighting equipment.
- b. stopping any work that may cause an accident, and informing the Master that the work has been halted.
- c. ensuring that familiarisation training is carried out for all seafarers joining the vessel.
- d. ensuring that the minutes of each safety committee meeting are easily accessible to all seafarers on the vessel.

#### 2.3 Safety Representative(s)

.1 On every ship in which there are **five or more seafarers** a safety representative shall be either elected or appointed.

.2 If safety representatives are to be elected the shipowner shall make rules for the election and the seafarers on the vessel shall elect the safety representative(s).

.3 For vessels with 16 or more seafarers a safety representative must be elected or appointed for each department and as a minimum this must include a safety representative for the deck and engine departments.

.4 A safety representative shall only be elected or appointed if they have –

- a. at least 2 years sea service since attaining the age of 18; and
- b. if serving on tankers, the 2 years sea service shall include at least 6 months sea service on tankers.

.5 The safety representative may carry out the following –

- a. If agreed with the safety officer, participate in any of the investigations or inspections carried out by the safety officer or, after notifying the Master, undertake similar investigations or inspections regardless of whether this has already been carried out by the safety officer.
- b. On behalf of the seafarers whom the safety representative represents and on matters affecting the occupational health and safety of the seafarers –

- i consult with the Master and safety officer and make recommendations to them. This shall include recommendations on any work which the safety representative believes may cause an accident and therefore should be suspended;

- ii. request through the safety committee an investigation by the safety officer of any health and safety matters.

- c. Inspect any of the records required to be kept by the safety officer or an accident report required to be submitted to the Gibraltar Maritime Administration, and attach any comments they consider necessary.

#### 2.4 Safety Committee Meetings

.1 A safety committee is required on any ship on which there are **five or more seafarers** employed.

.2 The Master must appoint the committee which shall –

- a. have the Master as chairman;
- b. include the safety officer and safety representative(s);
- c. be held at intervals of not more than 6 weeks;
- d. once appointed it shall be recorded in the official log book.

.3 Safety committees are required to –

- a. make representations and recommendations on behalf of the seafarers to the shipowner on matters affecting the occupational health and safety of seafarers;
- b. inspect any of the records required to be kept by the safety officer;
- c. ensure the vessel's occupational health and safety policies and programmes are observed, and make recommendations for their improvement;
- d. consider and take any appropriate action in respect of any occupational health and safety matters affecting the ship and its seafarers;
- e. keep a record of the minutes of the meeting which shall include: any conclusions made, any representations made to the Master or the safety committee, any replies made, and any actions that follow; and
- f. ensure that any conclusions reached on matters of safety are followed up.

.4 In performing any of the duties set out above, the safety committee may require the safety officer to carry out any occupational safety inspection it considers necessary. The safety officer will then be required to report the findings to the safety committee.



.5 In performing the duties of the safety committee the following shall be taken into account-

- a. Preventive measures, which include engineering and design control –
  - i. For example: the safety hazards involved in installing a new crane on a small vessel are discussed during a safety committee meeting. During the discussion it is agreed that prior to the crane being installed a check of the vessel's stability will be carried out by a Naval Architect to ensure the vessel is capable of operating safely with the crane fitted.
  
- b. Substitution of processes and procedures for collective and individual tasks –
  - .i For example: the safety officer states that the existing pneumatic chipping hammers are an old design and exceed the maximum vibration levels stated in the Gibraltar Maritime Administration's Health and Safety Guidelines. The decision of the safety committee is to replace the chipping hammers with a modern design with a lower vibration exposure limit.
  
- c. The use of personal protective equipment -
  - i. For example: a new type of safety harness is delivered to the vessel and the safety committee arranges for training to be given to seafarers in how to safely use the new equipment.

#### 2.5 Duties of the shipowner and the Master

.1 Both the shipowner and the Master are required to assist the progress of the safety officer, safety representative and safety committee in carrying out their duties. This includes –

- a. providing access to any necessary information including relevant legislation or shipping notices;
- b. passing on information regarding any hazards on board the ship;
- c. when the vessel is carrying hazardous cargoes information concerning the hazards, their location and any necessary safety precautions is to be readily available. The information should also be prominently displayed in appropriate locations;
- d. so far as is practicable providing any reasonably necessary accommodation, office equipment and similar materials;
- e. allowing the safety officer and safety representatives such absence from ship duties without loss of pay as may be necessary to enable them to fulfil their functions. This also includes undertaking any necessary training on board in the exercise of their duties;
- f. receiving representations about health and safety from the safety officer, safety representatives or the safety committee. This includes any recommendations made by a safety representative that certain work should be suspended. This should be discussed and any agreed measures should be implemented as soon as may be reasonable and practicable;
- g. if a refusal is given to implement any suggested health and safety measures, this must be specified in writing; and
- h. any request for relevant information about accidents and incidents that the safety officer is required to investigate is to be provided.

## **SECTION 3**

### **Personal Protective Equipment (PPE)**

#### 3.1 General requirements for PPE

- .1 Personal protective equipment includes safety helmets, gloves, eye protection, respirators, high-visibility clothing, safety footwear and safety harnesses.
- .2 If the risks cannot be avoided or adequately controlled in other ways the shipowner must supply PPE free of charge to seafarers.
- .3 The correct type of PPE must be -
  - a. appropriate for the tasks being performed and for the risks to which the person is exposed;
  - b. a suitable size for the person who is to use it;
  - c. manufactured to an appropriate international standard, for example it should be "CE" marked which signifies that the PPE satisfies certain basic safety requirements and in some cases will have been tested and certified by an independent body;
  - d. practical and effective, taking into account any constraints imposed by the place of work; and
  - e. compatible with any other equipment which the seafarer has to use at the same time.
- .4 PPE carried on board ships for the use of more than one person shall be –
  - a. kept in an easily accessible and clearly marked place; and
  - b. kept in a hygienic condition and inspected repaired and maintained as necessary.
- .5 In all cases PPE must adequately control the risks involved without increasing the overall level of risk.

#### 3.2 Maintenance

- .1 PPE must be –
  - a. properly stored and maintained in accordance with the manufacturer's instructions which shall include recommended replacement periods and shelf life. Its correct operation shall be checked at the intervals recommended by the manufacturer.
  - b. in the case of respiratory protection equipment designed to protect against hazards including dust, toxic materials and atmospheres and lack of oxygen. The equipment shall be inspected and its operation confirmed both before and after use.

#### 3.3 Instructions and training in the use of PPE

- .1 The shipowner must provide instructions and appropriate training in the use of PPE to ensure seafarers know how to use it properly. Anyone using PPE must be aware of why it is needed, when it shall be used, repaired or replaced and its limitations. All reasonable steps shall be taken by the shipowner to ensure that protective equipment that has been provided to seafarers is used correctly.
- .2 There is also an obligation on seafarers who have been provided with PPE to use it in accordance with any training, instruction, or operating instructions with which they have been provided.

## **SECTION 4**

### **Health and Safety Training**

#### 4.1 General requirements for Health and Safety Training

.1 The shipowner shall, in entrusting tasks to seafarers, take into account their capabilities regarding health and safety. This is to ensure the demands placed on a seafarer do not exceed their ability to carry out a task without risk to themselves and others.

.2 The shipowner shall ensure seafarers are provided with adequate and appropriate health and safety training and instruction. The training does not necessarily have to involve formal classroom training. It can involve instructing seafarers with what they should or should not do, or simply giving information in order for the seafarer to be able to carry out their tasks in a safe manner.

.3 The training and instruction shall be provided before the seafarer is assigned to shipboard duties. This is in addition to the familiarisation training required by the Gibraltar STCW Convention and the relevant Gibraltar regulations.

.4 Training required in a health and safety context is more specific to the task the seafarer is to perform. For example the training required for an AB to work aloft safely, or before an engineer uses a valve grinder with which they are unfamiliar.

.5 Training and instruction is also required when seafarers are exposed to new or increased risks because of –

- a. being transferred or given a change of responsibilities;
- b. the introduction of new equipment or a change to equipment already in use;
- c. the introduction of new technology; or
- d. the introduction of new shipboard practices, a new system of work or a change to a system of work already in use
- e.

.6 Training shall –

- a. be repeated periodically where appropriate;
- b. be adapted to take account of any new or changed risks to the health or safety of the seafarers concerned; and
- c. take place during the working hours of the seafarers concerned

## **SECTION 5**

### **Risk Assessment**

#### 5.1 General requirements for Risk Evaluations and Risk Assessments

.1 The shipowner has to ensure as far as is reasonably practicable, the health and safety of seafarers employed on board the ship.

.2 Two of the requirements of this duty are that the following principles are applied -

- a. the avoidance of risks; and
- b. the evaluation and action to minimise unavoidable risks.

.3 By extending these requirements a sufficient evaluation of the risks to health and safety of seafarers arising from the normal course of their duties or in connection with any shipboard activities has to be made. In order to assist in this risk evaluation the shipowner shall refer to appropriate statistical information from their ships and any general statistics provided by the Gibraltar Maritime Administration.

.4 A risk assessment is then required to be carried out to identify seafarers at particular risk in the performance of their duties. The risk assessment is used so judgments can be made as to how likely it is that something will go wrong and how serious the consequences could be. Once the risks, their likeliness and the consequences have been established the shipowner can concentrate on any measures required to remove or reduce the risks.

.5 Following the risk assessment the shipowner is required to -

- a. record any significant findings from the risk assessment and make them available to seafarers; and
- b. make any changes to procedures or practices that have been identified by the risk assessment.

.6 A risk assessment has to be reviewed if -

- a. there is reason to suspect that it is no longer valid; or
- b. there has been a significant change in the matters to which it relates.

.7 When a review identifies a need for any changes to procedures or practices, those changes must be made.

### 5.2 Conducting Risk Assessments

.1 A risk assessment is simply a careful examination of what could cause harm, so that decisions can be made as to whether enough precautions have been taken or whether more should be done to prevent harm. The aim is to minimise accidents and ill health on board the ship.

.2 The assessment should be carried out by a person experienced in the tasks that are being assessed. For example a risk assessment for working aloft could be carried out by the Chief Officer.

.3 There are no fixed rules for how a risk assessment should be conducted, although any significant findings from the risk assessment must be recorded and made available to seafarers on the vessel.

### 5.3 Further Information

.1 Guidance on conducting risk assessments can be found in the following publications;

- a. Health and Safety Executive, Five steps to risk assessment (INDG163).
- b. MCA Code of Safe Working Practice for Merchant Seamen.

## **SECTION 6**

### **Health Surveillance**

#### 6.1 General requirements for health surveillance

- .1 One of the outcomes of a risk assessment may be the requirement for health surveillance to be carried out.
- .2 The purpose of health surveillance is to identify early signs of ill health that may be caused by occupational hazards so that action can be taken to protect seafarers at an early stage from further harm.
- .3 In order for this to be achieved, procedures can be put into place which may include-
  - a. simple methods, such as if a seafarer has been working with chemicals, looking for skin damage on hands;
  - b. enquiries about symptoms, for example: if a seafarer regularly works with paints or solvents, issue a health questionnaire asking if they have developed any breathing difficulties;
  - c. periodic checks on seafarers, such as a hearing test, a lung function test (spirometry test), testing blood, or urine samples; or
  - d. more involved medical examinations (in addition to medical examinations for seafarer's medical certificates).
- .4 Health surveillance is beneficial because it forms another source of information to help protect seafarers from illness caused by exposure to health risks on board the ship. The risks can then be managed more effectively, and the effectiveness of existing control measures can be evaluated.
- .5 Health Surveillance is not to be used as a substitute for measures to control risks to health and safety.

#### 6.2 When health surveillance should be introduced

- .1 When a risk assessment has identified that there is a potential long term risk to the seafarer's health, further steps must be taken which may include health surveillance.
- .2 Examples of when health surveillance would be advisable are when seafarers are working –
  - a. with hazardous chemical agents;
  - b. with substances that may cause occupational lung disease;
  - c. in areas with high noise levels;
  - d. with machinery which produces hand-arm or whole body vibration; and
  - e. with asbestos or lead.

#### 6.3 Who can carry out health surveillance

- .1 Health surveillance can be carried out by -
  - a. Seafarers checking themselves for signs or symptoms of ill health; if this is the case the seafarer should be trained on what to look for and whom to report the symptoms to;
  - b. The shipowner requiring seafarers to regularly complete health surveys;
  - c. For certain hazards it may be necessary for clinical examinations to be carried out by an occupational health professional (such as a doctor or a nurse with appropriate training and experience).
- .2 Seafarers should be informed of the results of any health surveillance that has been carried out, and confidentiality must be maintained in respect of individual health records containing clinical information.

#### 6.4 Further Information

- .1 Further information and guidance on health surveillance can be found in - Health and Safety Executive; Understanding health surveillance at work, (INDG304)

## SECTION 7

### Young Persons

#### 7.1 Risk Assessments

.1 Young seafarers can be at particular risk when working on board a ship because they may lack experience, training and awareness.

.2 The shipowner is therefore required to carry out risk assessments to assess the health and safety risks to young seafarers working on board the ship. These assessments may be adapted from a general risk assessment, but shall take into account that young people are likely to be inexperienced, unaware of health and safety risks and be physically or mentally immature. Risk assessments shall be updated when there is any major change in working conditions, and the young seafarer has to be informed of any risks to their health and safety identified during the assessment.

.3 The risk assessment needs to be completed before the young seafarer begins work and must pay particular attention to –

- a. how the workplace is fitted and laid out;
- b. what type of work equipment will be used and how it will be handled;
- c. the organisation of processes and activities;
- d. the extent of the health and safety training provided or to be provided to the young person concerned; and
- e. any risks from agents, processes and work as detailed in the Schedule to this MLN.

.4 The findings of the risk assessment can then be used to establish whether the task is prohibited or restricted for young seafarers.

#### 7.2 Tasks Prohibited for Young Seafarers

.1 In order to protect young seafarers they are prohibited from carrying out any work which is likely to jeopardise their health and safety.

.2 The Gibraltar Maritime Administration has determined that young seafarers are prohibited from carrying out any work –

- a. which is objectively beyond their physical or psychological capacity;
- b. involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
- c. involving harmful exposure to radiation;
- d. involving the risk of accidents which it may be assumed cannot be recognised or avoided by young seafarers owing to their insufficient attention to safety or lack of experience or training;
- e. in which there is a risk to health from extreme cold or heat or noise or vibration; or
- f. requiring entry into an enclosed space (including boilers, tanks, and cofferdams).

.3 However nothing in sections d) to f) of the prohibited list should prevent a young seafarer from carrying out a task on condition that the activity is –

- a. an indispensable part of their established training programme;
- b. performed under the supervision of a competent person; and
- c. carried out in a way in which the young person's health and safety is ensured (so far as is reasonably practicable) when performing the activity.

.4 A *competent person* is a person experienced and trained in the task to be carried out. *Established training programme* means a programme leading to STCW qualifications and in most cases this will be a cadet training scheme.

### 7.3 Restricted Tasks for Young Seafarers

.1 There are restrictions on young seafarers undertaking certain types of work presenting a special risk of accident or of detrimental effect to the seafarer's health or physical development. These tasks require a particular degree of maturity, experience or skill.

.2 The Gibraltar Maritime Administration has determined the restricted tasks to be any task involving agents, processes and work described in the Schedule. However a risk assessment may determine that there are other tasks which also fit into a restricted category.

.3 Young seafarers are not permitted to carry out the tasks stated in the Schedule unless they are appropriately supervised and have been instructed in the task. This is to protect the young seafarer's health and safety while they are performing the task.

.4 The supervision and instruction is not required if the young seafarer is recognized as being fully qualified in a pertinent skill. For example, a young seafarer could be allowed to work on electrical equipment unaided if the seafarer has completed an electrical training course.

.5 However it is considered unlikely due to a young seafarer's age that they will be qualified to carry out a task listed in the Schedule.

### 7.4 Health Assessment

.1 If the risk assessment shows there is a risk to the young seafarer's safety, physical or mental health, or where a young seafarer is likely to be required to work at night, a health assessment shall be made.

.2 A health assessment is an assessment of the young person's health and capacities which must be made before the young seafarer starts work to ensure the young seafarer has the physical and mental capacity to carry out the task. Further health monitoring shall be carried out at regular intervals while the task is being performed to ensure the task is still being carried out safely and the seafarer remains physically and mentally able to complete the task. Any cost associated with a health assessment must not be charged to the young seafarer.

### 7.5 Health Education for Young Seafarers

.1 The shipowner shall ensure that young seafarers have received guidance on the detrimental effects to their health and well-being in respect to the abuse of alcohol, drugs and other potentially harmful substances, the risk and concerns relating to HIV/AIDS and of other health risk related activities.

Dylan Cocklan  
Maritime Administrator (Ag)

Issue date 26 November 2020

All notices are available through [www.gibraltarship.com](http://www.gibraltarship.com)

This copy of the Administrative Instruction has been sent electronically and does not carry a signature or official stamp. A sign and stamped copy will be available upon request

## **Schedule - List of Agents, Processes and Work**

### **1 AGENTS**

#### 1. Physical agents

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

#### 2. Biological agents

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

#### 3. Chemical agents

##### .1 Hazardous Chemical Agents –

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

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

- a. Council Directive 67/548/EEC for dangerous substances; and
- b. Council Directive 88/379/EEC for dangerous preparations.

.3 However these directives will be revoked on 01/06/15 and replaced by –

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

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

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

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

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

.5 Hazardous chemical agent also includes substances and preparations referred to as carcinogens in Article 2(a) of Directive 2004/37/EC of the European Parliament and of the council of 29 April 2004, on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)

.6 Lead and compounds thereof, in as much as the agents in question are absorbable by the human organism

.7 Asbestos



## **2 PROCESSES AND WORK**

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