

S.I. 7 of 2012

OCCUPATIONAL SAFETY AND HEALTH DECREE

(Cap.151)

Occupational Safety and Health (Dock Work) Regulations, 2012

In exercise of the powers conferred by section 34 of the Occupational Safety and Health Decree, the Minister of Education, Employment and Human Resources hereby makes the following Regulations—

PART I - GENERAL

1. These Regulations may be cited as the Occupational Safety and Health (Dock Work) Regulations, 2012 and shall come into operation 90 days after the date of publication in the Gazette.

Citation

2. These Regulations shall apply to—

Application

(a) all persons engaged in or affected by the processes in any port or dock and the master and crew of any vessel registered in Seychelles wherever the vessel may be or any other vessel while in a port or place in or within the territorial waters of Seychelles;

(b) the government and government employees except members of the defence forces and the crew of any ship of war.

3. In these Regulations—

Interpretation

“competent person” means a person so designated by the Minister;

“dock” means any wharf, jetty, pier or landing stage and includes any warehouse thereon;

“dock work” means loading or unloading of any ship and includes the fuelling and provisioning of a ship, the mooring of a ship, the storing, inspecting, checking the movement of goods, passengers or vehicles, and embarking or attendance at a dock for any such purpose;

“lifting machinery” means any winch pulley block or grin wheel and any hoist, crane, sheer legs, derrick boom, derrick and mast bends, goose neck, eye bow and all other permanent derrick, masts and docks used;

“lifting gear” means hook, shackle, swivel, plate clamp, rope sling or slings and any eyebolt not included in lifting machinery;

“processes” means the unloading, loading, moving or handling of any vessel and the goods or materials contained therein;

“vessel” means any merchant ship, tanker, tug, schooner, barge or other water borne container whether propelled by diesel oil, petrol, sail or otherwise but does not include a vessel under 18ft (5.4 metres) in length engaged solely in fishing;

“work place” means any place at which any person at any time works.

Duties

4. It shall be the duty of—

- (a) the person having the general management and control of a dock to comply with Part III of these Regulations;

- (b) the owner or master or officer in charge of a vessel to comply with Part IV of these Regulations and with Part V in so far as it relates to machinery and plant aboard the vessel;
- (c) the owner of machinery or plant used in the processes to comply with Part V of these Regulations;
- (d) every person who by himself, his agent or employees carries on the processes and all such agents and employees to comply with Part VI of the Regulations so far as it is within their capacity to do so;
- (e) every employer to ensure that Parts III, IV and V of these Regulations are complied with in so far as his or its own employees may be affected thereby.

PART II - EXEMPTIONS

5. The Minister may by Order, which the Minister may at any time revoke, and subject to any condition which the Minister thinks fit to impose, exempt from any of these Regulations any person, plant, vessel or dock if the Minister is satisfied that the safety of the employees will not be jeopardised.

Exemptions

PART III - DOCKS

6. The planning and execution of any dock work shall be done—

Execution of work

- (a) in a manner that secures the safety and health of persons engaged in such work;
- (b) keeping a record of the plan and execution for future guidance; and

- (c) ensuring that such records shall include matters such as access problems, type of plant needed, personal protective equipment required and any hazard likely to exist.

Edges, bridges, surfaces, etc.

7.(1) All edges, breaks, dangerous corners, footways over bridges, caissons and docks gates which are in general use, shall be provided with hand-rails, or other secure protection to a height of at least 2 feet 6 inches (75 cms) which protection shall be properly maintained.

(2) The protection required by this Regulation shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or vessel, or for repairing any fencing. If removed it shall be restored forthwith at the end of that period.

(3) All surfaces used for vehicular traffic or for stacking of goods, containers or materials shall be suitable for the purpose and properly maintained.

(4) Where goods, containers or materials are stacked or unstacked, the work shall be done in a safe and orderly manner having regard to other persons or vehicles using the area.

Safety equipment etc.

8.(1) There shall be provided and maintained for the use of workers at work, personal protective equipment in all the circumstances adequate and suitable for the work being done.

(2) Adequate and suitable provision for the rescue of persons in danger of drowning shall be made and maintained and shall include—

- (a) a supply of life saving appliances shall be kept in readiness;
- (b) means at or near the surface of the water at not more than 50 feet (16.6m) intervals along the

gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part has been injured or permanently deformed by the test.

- (e) In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one fifth of the breaking load of the sample tested.

MADE this 1st day of March, 2012.

MACSUZY MONDON
MINISTER OF EDUCATION,
EMPLOYMENT AND HUMAN RESOURCES

The said proof shall be hoisted and swung as far as possible in both directions. In the case of a jib-crane if the jib has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radius of the jib. In the case of hydraulic cranes or hoists, where owing to the limitation of pressure it is impossible to hoist a load of 25 percent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

(a) Every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table —

Article of gear	Proof load	Safe working load
Chain	25 percent in excess of safe working load	Up to 20 tons
Ring	25 percent in excess of safe working load	Over 20 tons
Hook	25 percent in excess of safe working load	Over 20 tons
Shackle	Twice the safe working load	Over 20 tons
Swivel	Twice the safe working load	Over 20 tons
Pulley Blocks	Twice the safe working load	Over 20 tons
Single sheave Block	Twice the safe working load	Over 20 tons
Multiple sheave Block	Twice the safe working load	Over 20 tons
Multiple sheave block with safe working load up to and including 20 tons	20 tons in excess of the safe working load	Over 20 tons
Multiple sheave block with safe working load over 20 tons up to and including 40 tons	20 tons in excess of the safe working load	Over 20 tons
Multiple Sheave Block with safe working load in excess of 40 tons	One and a half times the working load	Over 20 tons

(d) After being tested as aforesaid, all machines with the whole of the gear accessory thereto and all those

dockside to enable a person in the water to support himself or escape from the water and may include chains and ladders.

(3) There shall be available at work places first aid supplies

9.(1) All workplaces and any dangerous parts of the regular road or way over a dock forming the approach to any such place from the nearest highway shall be efficiently lighted with particular attention being paid to night time lighting.

(2) Any part of the dock premises which is being used for dock work at night shall be suitably and adequately lighted and maintained so as to enable safe movement and working and to render any safety and health signs visible.

PART IV - VESSELS

10.(1) There shall be, except as indicated below, safe access to any vessel, which wherever possible shall consist of the ship's accommodation ladder or a gangway not less than 22 inches (55cm) wide, properly secured and fenced on both sides throughout to clear a height of 2 feet 9 inches (82.5 cm) by means of upper and lower rails, taut ropes or chains. In the case of the ship's accommodation ladder, such fencing shall be necessary on the open side only provided that the ship's side gives effective protection on the other side. Where provision of these safeguards is not possible, there shall be a ladder of good construction and material and adequate length, which shall be properly secured to prevent slipping. Where necessary to ensure safety, a net shall be rigged beneath the lower end of the accommodation ladder or other access.

(2) If a vessel is alongside any other vessel and persons employed have to pass from one to the other, safe means of access shall be provided for their use unless the conditions are

Lighting

Access, etc ship to store

such that it is possible to pass from one to the other without undue risk, without the aid of any special appliance.

If one of such vessels is a sailing barge, flat keel, lighter or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

Access, etc.
within the
vessel

11.(1) If the depth from the level of the deck to the bottom of the hold exceeds five feet (1.5m) there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

(2) Save as hereinafter provided, such access shall be afforded by ladder cleats or cups on the coaming, and shall not be deemed to be safe unless—

- (a) the ladders in the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches;
- (b) the ladders provide a foothold of a depth including any space behind the ladder of not less than 6 inches (15 cm) for a width of 10 inches (25 cm) and a firm handhold;
- (c) the cleats or cups provided on coamings—
 - (i) provide a foothold of a depth including any space behind the cleats or cups of not less than 6 inches (15 cm) for width of 10 inches (25 cm) and a firm handhold;
 - (ii) are so constructed as to prevent a person's foot slipping off the side;
 - (iii) are placed vertically one above the other and in the same line as the ladders to which they give access;

obstructions other than fixed structures, plant and appliances in use.

SCHEDULE

Regulation 14(1)
Regulations 18(1) and 19 and 20(a)

(a) Every winch with the whole of the gear accessory thereto (including derricks, goose necks, eye-plates, eyebolt or other attachment) shall be tested with a proof load which shall exceed the safe working load as follows—

Safe working load	Proof load
Up to 20 tons	25 percent in excess
20-50 tons	5 tons in excess
Over 50 tons	10 percent in excess

The proof loading shall be applied either (i) by hoisting movable weights or (ii) by means of a spring hydraulic balance or similar appliance with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions.

In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

(b) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load as follows—

Safe working load	Proof load
Up to 200 tons	25 percent in excess
20 - 50 tons	5 tons excess
Over 50 tons	10 percent in excess

Unstable cargo

25. Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out unaided, reasonable measures to guard against accident shall be taken by shoring or otherwise.

Signallers

26. When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed and where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall.

Transport by water

27. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessel used for this purpose shall be properly equipped for safe navigation and maintained in good condition.

Removal of, or interference with safety devices, etc.

28. A person shall not, unless duly authorised or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, and hatch covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these regulations to be provided. If removed, such things shall be stored at the end of the period during which their removal was necessary by the person last engaged in the work that necessitated such removal.

Use of means of access

29. Every person employed shall use the means of access provided in accordance with Regulations 6, 10, and 11 and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

Clear passage on dock

30. Where goods are placed on a dock—

- (a) a clear passage leading to the means of access to the ship required by regulation 10 shall be maintained on the dock;
- (b) if any space is left along the dock, it shall be at least 3 feet (1 meter) wide and clear of all

(d) the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder a foothold of a depth including any space behind the ladder of not less than 6 inches (15 cm) for a width of 10 inches (25 cm) and a firm handhold;

(e) there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;

(f) the ladder is recessed under the deck not more than is reasonably necessary to keep the ladder clear of the hatchway.

Provided that such access may be afforded—

(i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of paragraph (c);

(ii) by ladders or steps, separate from any hatchway, or sloping from deck to deck, if such ladders or steps comply with the requirements of paragraphs (b), (d) and (e).

(3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

12. When the processes are being carried on—

(a) the place in the hold and on the decks where work is being carried on;

(b) the means of access provided in pursuance of regulations 10 and 11;

Lighting on board

(c) all parts of the vessel to which persons employed may be required to proceed in the course of their employment,

shall be efficiently lighted with due regard being paid to the safety of the vessel and cargo, of all persons employed and of the navigation of other vessels.

Hatch covering, etc.

13.(1) All longitudinal and transverse beams and thwart ship beams used for hatch covering shall have gear for lifting on and off without it being necessary for any person to go upon them to adjust such gear.

(2) All hatch coverings of longitudinal and transverse beams and thwart ship beams shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein:

Provided that this subregulation shall not apply in a case where all the hatch coverings, etc. of a ship are interchangeable or, in respect of marking of position, where all hatch coverings etc. of a hatch are interchangeable.

(3) All hatch coverings and all fore and longitudinal and transverse used for hatch coverings shall be maintained in good condition and shall be properly secured.

(4) Adequate hand grips shall be provided on all hatch coverings having regard to their size and weight, unless the construction of the hatches or the hatch covering is of a character rendering the provision of hand grips unnecessary.

(5) Where the working space around a hatch is less than two feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all longitudinal and transverse beams used for hatch covering and all hatch coverings.

(2) Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

22.(1) If any hatch of a hold accessible to any person employed and exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material, or for trimming and the roams are less than two feet six inches in height, such hatch shall either be fenced to a height of three feet or be securely covered:

Fencing of hatches etc.

Provided that this requirement shall not apply to vessels not exceeding 200 tons net registered tonnage which have only one hatchway or to any vessel during meal times or other short interruptions of work during the period of employment.

(2) A cargo shall not be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch covering has been placed across:

Provided that this regulation shall not apply to any process of unloading the whole of which will be completed within a period of half an hour.

23. When the working space in a hold is confined to the square of the hatch, hook shall not be made fast in the hands of fastenings of bales of cotton, wool, cork, gunny bags of other similar goods nor shall can hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

Working in the hatch square

24. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to a distance of two feet of such deck.

Working on skeleton decks

- (b) a record of the overload is kept, provided that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purpose of this regulation to be half the actual load.

(2) A load shall not be left suspended from a crane winch or other machine unless there is a competent person actually in charge of the machinery while the load is so left.

Crane and
winch control

19. Cranes and winches shall be provided with such control as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered and in particular, the lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

Crane driver's
access and
platform

20. The driver's platform on every crane driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by a ladder—

- (a) the ladder shall extend to a distance of 3 feet 6 inches (1 metre) above the platform, or some other suitable handhold shall be provided;
- (b) the landing place on the platform shall be maintained free from obstruction;
- (c) in case where the ladder exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the floor of the ladder.

Lifting
machinery
construction

21.(1) All lifting machinery shall be of good construction, of sound material, free from patent defect and of adequate strength for the purpose for which it is being used.

(6) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

(7) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon.

(8) The beams of any hatch in use for the processes shall, if not removed be adequately secured to prevent their displacement.

(9) A person shall not go upon the fore and aft beams or thwart ship beams for the purpose of adjusting the gear for lifting them on and off, nor shall any person authorise or order another to do so.

PART V - LIFTING MACHINERY AND GEAR

14.(1) All lifting machinery and lifting gear shall have been tested and examined by a competent person in the manner set out in the schedule before being taken into use.

Hatch
covering, etc.

(2) All lifting machinery, gear and shore equipments shall be inspected once in every twelve months, and the employer shall ensure that the equipments are thoroughly examined once at least in every two years.

(3) For the purpose of this Regulation, "examination" means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined, and if necessary for the purpose, parts of the machines and gear shall be dismantled.

(4) All lifting gear together with all ropes and slings shall be inspected by a competent person immediately before each occasion when they are used in any process.

(5) A record book for maintenance carried out on lifting machinery, gear and shore equipment shall be kept.

Testing and examination

15.(1) A lifting machinery shall not be used unless it has been tested and marked upon it the safe working load.

(2) In the case of cranes with a derricking jib there shall be provided an indicator showing the safe working load at various elevations of the jib. The indicator may be in the form of a machinery device fitted to the jib showing the angle and the corresponding safe working load or a device showing the angle only together with a card in the crane driver's possession which shows the safe working load at that angle.

Marking of safe working load (S.W.L.)

16.(1) A rope or lifting gear shall not be used in hoisting or lowering unless—

(a) it is of suitable quality and free from patent defect and;

(b) in the case of wire rope, it has been examined and tested by a competent person in the manner set out in schedule.

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every three months provided that after any wire has broken in such rope it shall be inspected once at least in every month.

(3) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds ten percent of the total number of wires or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) A thimble or loop splice made in any wire rope shall have at least three tucks with one half of the wires cut out of

each strand. The strands in all cases shall be tucked against the lay of the rope provided that this regulation shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this regulation.

17.(1) Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under the conditions under which it may be used, and—

Safe working load

(a) as regards chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of material attached securely thereto;

(b) as regards wire rope slings, such means shall consist of either the means specified in paragraph (a) above or a notice or notices, so exhibited as to be easily read by any person concerned stating the safe working loads for the various sizes of wire rope slings used; and

(c) chains and wire ropes shall not be shortened by tying knots in them, and suitable packing shall be provided to prevent the links and wire coming into contact with sharp edges of loads hard material.

18.(1) A lifting machine, chain or other lifting appliance shall not be loaded beyond the safe working load except that a crane may be loaded

Unloading etc.

beyond the safe working load in exceptional cases up to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person, if on each occasion—

(a) the written permission of the owner or his agent has been obtained;