

Consultation on proposals for an Approved Code of Practice on Safety in Ports

This consultative document is issued by the Health and Safety Executive in compliance with its duty to consult under section 16 of the Health and Safety at Work etc Act 1974.

Comments should be sent to:

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to reach there no later than 22 May 2013.

The Executive tries to make its consultation procedure as thorough and open as possible. Responses to this consultation document will be lodged in the Health and Safety Executive's Knowledge Centre after the close of the consultation period where they can be inspected by members of the public.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)). Statutory Codes of Practice under the FOIA and EIR also deal with confidentiality obligations, among other things.

If you would like us to treat any of the information you provide, including personal information, as confidential, please explain your reasons for this in your response. If we receive a request under FOIA or EIR for the information you have provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will be disregarded for these purposes. Requests for confidentiality should be made explicit within the body of the response.

HSE will process all personal data in accordance with the DPA. This means that personal data will not normally be disclosed to third parties and any such disclosures will only be made in accordance with the Act.

Proposals for an Approved Code of Practice on Safety in Ports

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Annex 1: Draft ACOP on Safety in Ports

Consultation by the Health and Safety Executive

The Health and Safety Executive has a statutory duty to consult stakeholders to seek their views on its proposals. It believes that public consultation provides an open and transparent approach to decision-making. Following consultation, the Health and Safety Executive will make a recommendation to the Secretary of State on the best way forward.

How to Respond

A summary of the proposal and the questionnaire can be found at www.hse.gov.uk/condocs. You do not have to use this questionnaire, and you are welcome to comment on any issue raised by this document.

You can:

Complete the online questionnaire;

Respond by email – you should send this to docks@hse.gsi.gov.uk

Respond on paper – you can do this either by:

- Printing the online questionnaire; or
- Making a written response in whatever format you wish.

Send your completed response to:

Jason Cole

Health and Safety Executive
Rose Court
2 Southwark Bridge
London SE1 9HS

We would be grateful if you could send an email address when you provide your response, so that we can inform you of when the HSE intends to publish information concerning consultation responses on the HSE website.

Responses must be received by **22 May 2013**.

If you require a more accessible format of this document please send details to creative@hse.gsi.gov.uk and your request will be considered.

What happens next?

We will acknowledge all responses and give full consideration to the substance of arguments in the proposals; we may contact you again if, for example we have a query in respect of your response.

We will tell you when the HSE will publish information concerning the consultation responses. We will provide a summary of those who responded to this consultation and we will produce a summary of the views expressed to each question; this information will be placed on the HSE's website.

How your responses will be handled

We will acknowledge all responses and give full consideration to the substance of arguments in the development of proposals. The Health and Safety Executive will then decide on how best to take the regulations forward based on an interpretation and analysis of the consultation responses.

Queries and complaints

HSE follows the Government's Consultation Principles

<https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments or complaints about the way this consultation has been conducted, please contact the HSE Consultation Coordinator by writing to:
Teresa Farnan at:
Health and Safety Executive
7th Floor Caxton House
6-12 Tothill Street
London SW1H 9NA

Or send an email to teresa.farnan@hse.gsi.gov.uk

We aim to reply to all complaints within 10 working days.

Summary

The Health and Safety Executive (HSE) is publishing an Approved Code of Practice on Safety in Ports which gives advice on the requirements of the Health and Safety at Work etc Act 1974 in relation to health and safety in ports and replaces the existing Approved Code of Practice on Safety in Docks (COP25). This consultation provides an opportunity to comment on whether the draft ACOP text reflects the modern workplace, modern working practices and the preferred method of compliance. The proposed publication will also provide guidance and signposting to more detailed freely available industry guidance.

Background

Large parts of the Docks Regulations 1988 and COP25 have already been revoked by other sets of Regulations:

- The Work at Height Regulations 2005 (WAHR);
- The Lifting Operations and Lifting Equipment Regulations (LOLER) 1998; and
- The Confined Spaces Regulations 1997.

The remaining parts of the Regulations have been superseded by more general requirements of recent legislation such as:

- The Management of Health & Safety at Work Regulations 1999 (MHSWR),
- The requirements for risk assessment and the Workplace (Health, Safety and Welfare) Regulations 1992 (WHSWR),
- The Manual Handling Operations Regulations (MHOR) 1992
- Specific requirements under the Provision and Use of Work Equipment Regulations (PUWER) 1998, LOLER and the WAHR.

Additionally, since the introduction of the Regulations, health and safety standards in ports have also been set out in internationally accepted Conventions and Codes of Practice such as the ILO Code of Practice on Safety & Health in Ports (ILO152). While the UK Government has not ratified the ILO Occupational Safety & Health (Dock work) Convention 1979 (ILO152), its principles are reflected in much of the available guidance.

Accordingly, HSE has been working with industry stakeholders for some time to produce a suite of freely available HSE badged industry Safety in Ports (SiP) guidance documents that provide signposts to relevant legislation and up-to-date guidance on good practice and current health and safety standards. These documents can be freely downloaded from: -

<http://www.portskillsandsafety.co.uk/publications>

Given these developments, and that the Docks regulations had either been revoked or superseded, stakeholders and the public were given the opportunity (from 3 April to 4 July 2012) to comment on a proposed revocation package for the removal of fourteen legislative measures that included the revocation of the Docks Regulations 1988 and the removal of the Approved Code of Practice on Safety in Docks (CD239 - <http://www.hse.gov.uk/consult/condocs/cd239.htm>). The HSE Board paper with a summary of the consultation responses is at

<http://www.hse.gov.uk/aboutus/meetings/hseboard/2012/220812/paugb1257.pdf> .

The HSE Board, having taken account of the responses to the consultation and stakeholder concerns about the removal of the Approved Code of Practice (ACOP) that accompanies the Regulations, agreed that the Docks regulations should be revoked but decided to retain a shorter, simplified ACOP and to delay their revocation until October 2013 to allow time for a shorter simplified ACOP to be developed and approved. The HSE Board paper summarising the outcomes of this engagement and the proposed next steps is at

<http://www.hse.gov.uk/aboutus/meetings/hseboard/2012/051212/pdecb1296.pdf>

The Docks Regulations have therefore been removed from the current revocation package. The remaining thirteen measures will be repealed and revoked by the Health and Safety (Miscellaneous Repeals, Revocations and Amendment) Regulations 2013 (subject to parliamentary scrutiny) on 6 April 2013. Full details are available at <http://www.legislation.gov.uk/ukxi/2013/448/contents/made>

The proposed changes

In line with the Board's decision, a draft ACOP (at Annex 1) has been prepared by HSE working closely with employer and employee representatives.

The proposed ACOP text is a shorter and simpler version of the existing ACOP. Following informal consultation with key stakeholders, the draft document at Annex 1 also provides guidance and signposting to more detailed, freely available industry guidance on each topic.

The replacement ACOP therefore sets out the preferred way of complying, in ports-specific situations, with the Health and Safety etc Act 1974 that will continue to apply

when the Docks Regulations 1998 are revoked. There are no new duties or requirements stemming from these revisions.

This consultation document seeks views only on the wording of the draft ACOP paragraphs to ensure that the text reflects the modern workplace, modern working practices and the preferred method of compliance.

The Board's approval for the replacement ACOP and revocation of the Docks Regulations 1988 will be sought so that the timetable for the Regulations to be revoked on 1 October 2013 can be met. The revised ACOP will be brought into force and the existing one withdrawn when the Regulations are revoked.

Removing the Docks Regulations 1988 will require some minor consequential amendments to other regulations, in order to remove spent provisions from the statute book. In addition an amendment will be required to the Work at Height Regulations 2005 (WAHR) because they currently do not apply to "a place specified in regulation 7(6)1 of the Docks Regulations 1988 where persons are engaged in docks operations".

Regulation 7 of the Dock Regulations would be covered by the general principles in Regulation 6 of the WAHR so HSE plans to amend the WAHR so that the requirements of the docks Regulations regulation 7(6) are retained.

Impact on Business

It is Government policy to use an Impact Assessment (IA) to assess and understand the impact, both costs and benefits, of all new regulations. An important part of the IA is the cost-benefit analysis which identifies the costs and benefits of a proposal and quantifies, in monetary terms, as many of them as is feasible. A revised draft Impact Assessment (IA) has been prepared, and is available on request. This was developed using the information provided in response to the earlier consultation on the revocation package to remove fourteen legislative measures.

Consultation Questions

Q1. Do you agree that the ACOP text is a clear and appropriate representation of a preferred method of compliance (working practice) in a modern port (or dock) environment in each of the following areas? In considering the areas you may also wish to consider whether the detail specified is appropriate (for example, distance between life saving devices).

- a Workplace Transport
 - b Working at Height
 - c Lifting Operations
 - d Slips And Trips
 - e Transport By Water
 - f Rescue and Lifesaving
 - g Personal Protective Equipment
-

Q 2 If you disagree with any section, please provide reasons for your response for each area and please give details of alternative preferred methods of compliance.

- a Workplace Transport
- b Working at Height
- c Lifting Operations
- d Slips And Trips
- e Transport By Water
- f Rescue and Lifesaving
- g Personal Protective Equipment

General

Q3. Do you have any other comments on the ideas and proposals explored in this document?

Q4. Is there anything you particularly like or dislike about this consultation? Please provide comments

Safe work in ports

Approved Code of Practice and guidance

Draft version of L148

This Approved Code of Practice and guidance applies from 1 October 2013, subject to approval by the Secretary of State.

This Approved Code of Practice and guidance covers safety in port operations and is aimed at those who have a duty to comply with provisions of the Health and Safety at Work etc Act 1974. This includes people who control port premises, suppliers of plant and equipment, port employers, managers, safety officers and safety representatives.



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Approved Code of Practice

This Code has been approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.

However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.

Guidance

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, 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.

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Introduction

What this book is about

This document contains Approved Code of Practice (ACOP) on the duties under the Health and Safety at Work etc Act 1974 (The HSW Act) and its relevant statutory provisions. It sets out the Regulations that apply in ports and provides details of the guidance that has been developed by the Health and Safety Executive (HSE), Ports Safety and Skills (PSS), UNITE and others to help employers and employees comply with the law. It does not introduce any new requirements for duty holders.

Audience

The HSW Act and its relevant statutory provisions cover the safety of anyone at work while they are in Great Britain, and engaged in certain other activities in the territorial sea, and are applied where there is no sector specific legislation. Regulations under the HSWA do not generally apply to the master and crew of a ship carrying out shipboard activities (the definition of which includes boats used on inland waters). The Gas Safety (Installation and Use) Regulations 1998 also apply to some boats.

Content and scope of this ACOP

The ACOP in this document provides practical guidance on Sections 2, 3 and 7 of the HSW Act in respect of some of the work activities carried out in ports. These set out the basic requirements to ensure, so far as is reasonably practicable, the health, safety and welfare of all involved. In ports employers, employees and others need to comply with these and a number of other sets of Regulations made under HSW Act which prescribe more specific ways in which the general duties should be complied with. Many of those duties apply to work carried out in ports, as they would apply in other places of work. Examples of Regulations which also apply to work carried out in ports include:

- Workplace (Health, Safety and Welfare) Regulations 1992 (WHSWR)
- Work at Height Regulations 2005 (WAHR)
- Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Personal Protective Equipment at Work Regulations 1992
- Confined Spaces Regulations 1997
- Loading and Unloading of Fishing Vessels Regulations 1988
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)

Some of these Regulations have associated Approved Codes of Practice and it is important that duty holders refer to these as well as this ACOP which gives preferred methods of compliance for some of the work practices which are specific to ports.

In cases where regulations made under the HSW Act do not apply on ships, equivalent duties are specified under Merchant Shipping and Fishing Vessel Regulations. Examples of other non-HSW regulations include the Working Time Regulations 1998.

This ACOP only applies to duties under the HSW Act.

Summary of change

The Docks Regulations 1988 are proposed for revocation in October 2013 because the duties have now been replaced by equivalent requirements in more modern legislation. The guidance with ACOP status has been transferred from HSE's 'Safety in Docks' publication (COP25).

The main changes in the remaining ACOP material are:

- a. Some wording has been amended to remove references to duties in the Docks Regulations 1988
- b. After legal considerations and discussions with stakeholders other guidance has had its ACOP status removed because is not longer comparable with more modern Regulations or because it already exists in ACOPs for the various regulations referred to in this document.
- c. there will be a consequential amendment to the WAHR to provide an exemption for fencing at straight and level quaysides

About ACOPs

Approved Codes of Practice are approved by the HSE Board with the consent of the Secretary of State (see Appendix 1 Notice of Approval for details).

The ACOP describes preferred or recommended methods that can be used (or standards to be met) to comply with the regulations and the duties imposed by the HSW Act. The accompanying guidance also provides advice on achieving compliance, or it may give information of a general nature, including explanation of the requirements of the law, more specific technical information or references to further sources of information.

The legal status of ACOP and guidance text is given on the copyright page.

The ACOP text is set out in bold and the accompanying guidance in normal type. Coloured borders also indicate each section clearly.

Terms used in Regulations and ACOP/guidance

Words and expressions which are defined in the HSW Act and the Management Regulations 1999 have the same meaning in this ACOP and guidance unless the context requires otherwise.

Successfully managing health and safety in ports

Guidance

1 Port work often involves a number of different employers and/or contractors who can all affect each other's activities. These may include harbour authorities, port operators, stevedoring firms, hauliers, ships' masters and crew, whom may have different legal duties.

2 All companies need to have effective health and safety systems in place. These should ensure co-operation, co-ordination and communication between all employers and their workers.

3 The Management of Health and Safety at Work Regulations 1999 set out a number of requirements for employers to ensure they are adequately managing health and safety.

4 These include:

- a risk assessment of their activities. This should identify the measures they need to have in place to comply with their duties under health and safety law and reduce risks so far as is reasonably practicable;
- making sure there is effective planning, organisation, control, monitoring and review of the measures they put in place;
- appointing a competent person to provide health and safety assistance.
A competent person is someone with the necessary skills, knowledge and experience to manage health and safety;
- providing employees with information they can understand – including people whose first language is not English;
- co-operation and co-ordination with other employers sharing a workplace.

Consulting with workers:

5 Workplaces where employees are involved in taking decisions about health and safety are safer and healthier. Collaboration with your employees helps you to manage health and safety in a practical way by:

- helping you spot workplace risks;
- making sure health and safety controls are practical;
- increasing the level of commitment to working in a safe and healthy way.

6 You must consult all your employees, in good time, on health and safety matters. In workplaces where a trade union is recognised, this will be through union health and safety representatives. In non-unionised workplaces, you can consult either directly or through other elected representatives.

7 Consultation involves employers not only giving information to employees but also listening to them and taking account of what they say before making health and safety decisions.

8 Issues you should consult employees on include:

- risks arising from their work;
- proposals to manage and/or control these risks;
- the best ways of providing information and training.

Temporary workers, contractors and labour suppliers:

9 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.

10 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.

11 Workers supplied by a stevedore are likely to remain the employees of the stevedore.

12 If you use a labour supplier you will need to:

- give them 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.
- tell them 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).
- provide the workers themselves with information on:
- the hazards, risks and measures that protect health and safety at your workplace, including any personal protective equipment that is required.
- any qualifications or skills they need to do the job.
- clarification 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 how to use it.

Duty of care to other people:

13 You must 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).

14 Often, measures which protect your employees' health and safety will also protect other people's.

Safe systems of work:

- Systems of work should be developed and implemented for the handling of all goods to secure the health and safety of people at work. They should be suitably modified to take account of any new

facilities which are introduced including plant, buildings and working areas.

- Your risk assessments will help identify ways of working that will control the risks arising from your work activities.
- Where employees other than crew go aboard ships, each employer should collaborate with the ship's master and each other to ensure that their respective duties are discharged. Throughout this guide, the term 'master' should be taken to include any ship's officer in charge of the ship during the absence of the master.
- There should be appropriate arrangements for dealing with emergencies or other unexpected situations which may arise. Those concerned should be appropriately instructed in advance.

15 The safe system of work should include adequate arrangements for any necessary checking, inspection or examination of goods that may be required, including arrangements to ensure that the movement of the goods, or any plant carrying them, does not put any person performing such an operation in a position of danger.

Organisations with specific responsibilities:

16 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:

17 If you are the owner or landlord and have control of part or all of the dock premises:

- you must make sure they are safe
- you must pass on any relevant health and safety information about the premises to others
- you may also specify certain areas where personal protective equipment such as high-visibility clothing or head protection should be worn.
- Where parts of dock premises are leased to tenants, the leasing arrangements should make clear the extent to which the tenant has control of the premises.
- 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.
- 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.
- 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. 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.
- 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.

- 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 handle cargo 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.

Labour suppliers:

18 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 that they are not fit and trained or otherwise competent for.
- make sure that they have the correct personal protective equipment, either by providing it yourself, or ensuring that the client organisation will provide it.
- You need to make certain who will be the employer of the workers you supply. 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.
- 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, and should pass it 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.
- 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.

Warehouse operators and freight forwarders:

19 You will 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.
- 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.

Shipowners and shipping agents:

20 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.
- 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.

Other employers and employees:

21 What your organisation does is likely to affect others in the dock area, and vice versa. As such you will need to :

- Co-operate with others to minimise health and safety risks
- Provide information to others to allow them to protect their employees' health and safety
- Control your contractors

Find out more

Joint HSE/Ports Skills and Safety Guidance:

SIP13 Guidance on Managing of Non-Permanent Employees (in preparation)

Further information from HSE:

HSE's Managing for health and safety website <http://www.hse.gov.uk/managing/index.htm>

HSE's Risk website www.hse.gov.uk/risk

HSE's Health and Safety Toolbox <http://www.hse.gov.uk/toolbox/index.htm>

Consulting employees on health and safety: A brief guide to the law (INDG232)
www.hse.gov.uk/pubns/indg232.htm.

HSE's Worker involvement website www.hse.gov.uk/involvement/

Workplace Transport

22 Every year there are accidents involving transport some of which result in people being killed. People fall off vehicles, or are struck or crushed by them. Most transport-related accidents in ports are serious or fatal. Many different employers' drivers use ports. Not all of these drivers will be familiar with the port environment. Workplace transport safety will only be managed properly if everyone works together.

23 Typical workplace transport hazards in ports

- Loading and unloading of vehicles.
- Unsecured loads on vehicles
- Movement of loads on vehicles whilst in transit
- Movement of vehicles and other plant on the dockside.
- Trailer coupling and uncoupling on the dockside and on the ship.
- Vehicle/pedestrian access, eg ro-ro bridges and vessel ramps.
- Reversing vehicles on ro-ro decks.
- Movement of vehicles in container storage areas and lorry parks.

ACOP

Pedestrian walkways on shore

24 Walkways should if practicable be so laid out that they do not cross freight container handling areas. If it is necessary that they do, then they should be carefully designed and laid out to provide safe access

Access to ships

25 Ramps which are used by vehicles should not be used also for pedestrian access unless there is suitable segregation of vehicles and pedestrians, whether by providing a suitable protected walkway or by ensuring that pedestrians and vehicles do not use the ramp at the same time.

Drivers of vehicles

26 The performance of authorised drivers and operators should be monitored to ensure that they remain fit and competent for continued authorisation.

27 Any employee whose ability to drive a vehicle or operate a lifting appliance appears to be temporarily impaired by alcohol or other drugs should be considered unfit while that impairment lasts.

28 Employers who authorise their employees to drive vehicles or operate lifting appliances should keep written records, which should take the form of a list of employees and the plant each is authorised to drive or operate. Each authorisation should generally be for a set period, until the driver or operator is reassessed, rather than for a particular occasion.

Use of Vehicles

29 For certain categories of vehicle, for example, import/export trade vehicles, the person in control of the supply of the vehicles, whether the manufacturer, shipping agent or other person, has a duty to ensure that any vehicle which is intended to be driven in dock premises is maintained in a safe condition. The duty of the port operator is limited to matters within their control as regards whether any particular vehicle is safe to move.

30 Road vehicles that remain within docks, but are of a type used on public highways, should be maintained to a standard that would meet the requirements for use on a public highway, except where this is clearly unnecessary or inappropriate for safety, and the vehicle concerned is never used on the public highway. Other vehicles should be no less thoroughly maintained.

31 Certain purpose built vehicles eg lift trucks and two-way vehicles such as straddle carriers, may be designed to be provided with particular lighting arrangements to suit the circumstances of their use. Such vehicles will remain in the dock operational area, and should be maintained to the standard recommended by the manufacturer.

32 Some roll trailers used in dock premises are not fitted with brakes by the manufacturer and are not designed to be so fitted. Therefore maintenance does not require brakes to be fitted but in other respects the manufacturer's instructions should be followed. Tractor

units used to haul such trailers must have sufficient braking capacity to brake both the haulage unit and the trailer with the trailer carrying the maximum permitted load.

33 Structures used by vehicles should be sufficiently rigid to be used safely. Ramps should not be used at a slope greater than that for which they were designed. In general, no plant or other heavy vehicle should use a ramp with a slope of more than 10% unless a competent person is satisfied that the vehicle can safely be moved on that ramp, and if necessary the surface of the ramp has been suitably treated to provide sufficient grip.

34 Vehicles should not be used on any hatch covering on a ship without the authorisation of a ship's officer who is competent to make such a decision.

35 Traffic control should include appropriate speed limits and instructions to drivers about safe speeds. Speed limits should be set at or below those which would be set under road traffic legislation. Seat belts should be fitted to vehicles where road traffic legislation would require it on a public highway. Where fitted they should be worn as if the vehicle was on a public highway. Anyone who has, without using a public highway, to make regular stops to leave the vehicle in a complete journey within the confined area of a dock estate should not be required to wear a seat belt.

36 Vehicles not involved in dock operations should not be admitted into areas where loading or unloading is proceeding, except in emergency, or in exceptional circumstances under the control of the berth operator.

37 When not in use, vehicles should be securely parked with brakes applied or otherwise secured where appropriate.

38 These precautions will need to be taken by whoever is in control of the operation. For ro-ro (roll-on, roll-off) movements, control may be with either shoreside management or the ship's master or, in some instances, both. In such cases, collaboration is required to avoid confusion and ensure that clearly defined procedures are followed.

39 Safe arrangements should be made for refuelling vehicles. Petroleum or liquefied petroleum gas (LPG) powered vehicles should be refuelled in a safe well-ventilated area and not in any confined space. Vehicles carried as cargo on import ships may arrive with insufficient fuel for their removal. Provided there is adequate ventilation a non-spill container or purpose designed pump could be used to provide fuel, but only as a last resort.

40 Where vehicles are driven on and off ships, vehicles should not have to reverse close to quay edges during their loading or discharge. Where the pattern of vehicle movement presents a foreseeable risk from vehicles running over the edge of a quay or other dangerous edge, suitable barriers should be provided and maintained.

41 Other than for the purposes of driving on to or off a straddle carrier grid in a container handling area no person should remain in the cab of a vehicle other than a straddle carrier while it is on the grid. Workers should have safe access to and from all vehicles on a straddle carrier grid to a safe place.

Guidance

42 How you can reduce workplace transport risks

43 These can be grouped under: 'Safe site, Safe vehicle, Safe driver'. You need to deal with all three of these to ensure good control of workplace transport risks.

Safe site

- Every workplace should be safe for the people and vehicles using it.
- Provide appropriate road signs and markings.
- Vehicles and pedestrians should be separated where they share the same workspace. This may involve excluding pedestrians from certain areas or providing separate pedestrian routes.
- Are vehicle and pedestrian traffic routes clearly marked and are signs clearly visible?
- Are there site rules and are they enforced?
- Are reversing operations kept to a minimum?

Safe vehicle

- Vehicles should be safe, provided with suitable visibility aids, regularly maintained, repaired and inspected.
- Is it right for the job?
- Can it be accessed safely to minimise the need for work at height?
- Has it been fitted with any safety devices?

Safe driver

- All drivers should be fit, qualified and competent to operate all the vehicles they use at work.
- Workers should follow safe working practices.
- Management should monitor these practices.
- Is their training up to date?
- Are they aware of their health and safety responsibilities?
- Do they have the correct personal protective equipment (PPE)?

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP001 - Workplace Transport \(Port & Terminal Planning\)](#)

[SIP010 - Workplace Transport \(Ro-Ro and Sto-Ro Operations\)](#)

Further information from HSE:

HSE's ports website: www.hse.gov.uk/ports

HSE's workplace transport website: www.hse.gov.uk/workplacetransport/

[HSE's load safety website](#)

[HSE guidance on trailer coupling and uncoupling](#)

[HSE guidance on work-related road safety](#)

Workplace Transport Safety INDG136 – <http://www.hse.gov.uk/pubns/books/hsg136.htm>

Other sources of information

DfT/DVLA - At a glance guide to the current medical standards of fitness to drive

The International Labour Organisation (ILO) has a *Code of Practice on Safety and health in ports* (ILO152): www.ilo.org .

Health & Safety Laboratory – An Operator’s Guide to Safe Loading and Transport
<http://www.hsl.gov.uk>

Working at Height

44 Working at height remains one of the biggest causes of work-related fatalities and major injuries.

45 Many of the activities carried out in ports could lead to a fall from height. These activities may be during routine operations or during one-off maintenance activities. In ports, the added hazard of working near water means a fall may lead to the risk of drowning.

Typical falls from height hazards in ports

- Access to and from vessels by accommodation ladders and gangways.
- Container-top working – lashing and unlashings containers, use of slewing jib cranes.
- Access to and from places of work onboard vessels (holds, hatches, decks etc).
- Falls from vehicles during loading/unloading and sheeting.
- Falls from car transporters.
- Maintenance work.
- Unloading some types of cargo, such as pipework, timber packs etc, can result in open edges from ships’ decks, passages and from the cargo itself.
- Working adjacent to open edges of docks, wharves etc.

ACOP

Deck Cargo

46 Except where adequate precautions have been taken to prevent injury, no work should be performed on deck cargo adjacent to an open hatchway if the work involves someone being in a position where they could fall down the hatchway.

Access to ships

47 Shore based equipment which is at least as safe as a properly rigged and secured ship’s accommodation ladder or gangway should be provided and used if necessary, where the use of ships’ equipment is impossible or unsafe, especially where ships’ decks are significantly below or above the level of the quay, wharf, dock or jetty.

48 Each end of a gangway or accommodation or other ladder should provide safe access to a safe place, or to an auxiliary safe access. Where necessary, bulwark ladders should be provided, securely rigged and used.

49 Where no safer means of access can be provided, a system of fixed ladders should be provided on shore where there is regular need for them. Any such ladders should be adequately protected from damage by ships, by recessing, fendering or otherwise.

Access between ships

50 Where access between ships is necessary, the access should generally be provided by the ship lying outboard, unless there is a great disparity in freeboard when access should be provided by the ship with the higher freeboard.

51 Rope ladders should only be used to provide access between a ship with high freeboard and a barge or similar ship with low freeboard. They should be fitted with sound treads which provide a slip-resistant foothold of not less than 115 mm by 400 mm, and which are secured so that they are firmly held against twist, turnover or tilt. They should be fitted with spreaders which are properly secured, at least 1.8 m long, and spaced at intervals of not more than nine treads.

Access across cargo

52 When container ships are not equipped with suitable rigging platforms, suitable platforms or cages, lifted by crane and designed for use between container aisles, should where reasonably practicable be provided and used for rigging work.

Fencing at dock edges

53 Fencing should be provided at all dock, wharf, quay or jetty edges from which people may fall into water, and they must pass within 1 m of the edge, or the configuration of the quay or the arrangement of walkways is such that they are more than ordinarily liable to fall over such an edge.

54 Fencing is not required at straight and level quaysides.

55 Fencing should be provided throughout every open side of narrow access ways, whether the fall would be into water or not.

56 This paragraph does not apply to areas not used for dock operations where people do not work or have access to their work.

57 Secure fencing should consist of an upper rail at a height of 1 m and an intermediate rail at a height of 0.5 m. The rails may where necessary consist of taut wire, taut chain or other taut material. Where existing fencing complying with the Docks Regulations 1934 has been provided, this need not be replaced while it remains secure and adequate.

Guidance

How you can reduce fall from height risks in ports

General issues

58 Make sure that all work at height is properly planned, supervised and carried out by competent people. This includes using the right type of access equipment for the job.

59 Follow these simple steps to help reduce the risk of a fall:

- Avoid work at height where you can e.g. work from the ground using a long-handled tool.
- Prevent falls using an existing place of work that is already safe or use equipment where work at height cannot be avoided e.g.

- guardrails, mobile elevating working platforms (MEWPs).
- Minimise the distance and consequences of a fall, by using equipment where the risk cannot be eliminated, e.g. nets, airbags, fall arrest systems.
- Always consider measures that protect everyone who is at risk (e.g. guard rails or edge protection) before measures that protect only the individual (e.g. work restraint harness).
- All work at height should be properly planned and organised.
- Workers involved in work at height should be competent.
- Equipment must be suitable, stable and strong enough for the job, maintained and inspected regularly.
- A safe means of access to workplaces and working positions should be provided. This includes access on to plant on shore and to ships and ships' holds.
- Consider emergency evacuation and rescue procedures;
- Be clear of responsibilities. If the access equipment is provided by the ship e.g. accommodation ladders, access to ships' hold then the shoreside employer should ensure that the access is safe for his employees to use.

60 Key points to consider are:

- Do as much work as possible from the ground;
- Ensure workers can get safely to and from where they work at height;
- Equipment must be suitable, stable and strong enough for the job, maintained and inspected regularly;
- Don't overload or overreach when working at height;
- Take precautions when working on or near fragile surfaces;
- Provide protection from falling objects;
- Consider emergency evacuation and rescue procedures
- equipment should be stable and strong enough for the job;
- don't overload or overreach when using ladders;
- do as much work as possible from the ground;
- take precautions when working on or near fragile surfaces;
- make sure workers can get safely to and from where they work at height;
- think about emergency evacuation and rescue procedures;
- provide protection from falling objects;
- make sure equipment is maintained and inspected regularly.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP002 - General Cargo](#)

[SIP003 – Container Handling](#)

[SIP014 - Access](#) (in preparation)

Further information from HSE:

HSE's ports website: www.hse.gov.uk/ports

HSE's falls from height website: www.hse.gov.uk/falls/index.htm.

Working at Height: a brief guide to the law (INDG401)- <http://www.hse.gov.uk/pubns/indg401.pdf>

Other sources of information

The International Labour Organisation (ILO) has a *Code of Practice on Safety and health in ports* (ILO152): www.ilo.org

Lighting

61 Many ports operate on a 24-hour basis so the need for suitable lighting in the workplace is particularly important. The quicker and easier it is to see a hazard, the more easily it is avoided. The types of hazard present in the workplace will determine the lighting requirements for safe operation.

Guidance

62 You should provide:

- well-lit stairs pedestrian and vehicle access routes
- well-lit outside areas – for pedestrians and to help with work activities such as loading/unloading at night
- good light – use natural light where possible but try to avoid glare
- a good level of local lighting at workstations where necessary
- suitable forms of emergency lighting

63 Employers must provide safety signs if there is a significant risk that can't be avoided or controlled in any other way, such as through safe systems of work or engineering controls.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP009 - Lighting](#)

Further information from HSE:

HSE's human factors website: <http://www.hse.gov.uk/humanfactors/topics/lighting.htm>

HSE publication HSG38 – Lighting at Work - <http://www.hse.gov.uk/pubns/books/hsg38.htm>

Other sources of information:

The [Code for Lighting](#) published by the Society of Light and Lighting and the Chartered Institute of Building Services Engineers.

The International Labour Organisation (ILO) has a *Code of Practice on Safety and health in ports* (ILO152): www.ilo.org/public/libdoc/ilo/2005/105B09_39_engl.pdf.

Lifting operations

64 Loading and unloading at ports involves the use of a wide range of lifting equipment. This may include gantry cranes, slewing cranes, forklift trucks or other similar machinery. Poorly planned lifting operations can lead to significant risks to people working in the area.

65 Typical hazards from lifting equipment:

- failure of lifting equipment;
- falling loads; and
- workers being crushed by a moving load or lifting equipment.

ACOP

Planning and Execution of work

66 Where heavy loads are not marked with their weight, and the weight is not easy to estimate, the loads should be check-weighed, unless accurate information is available to determine their weight by reference to the cargo manifest or otherwise.

67 The safe system of work should include adequate arrangements for any necessary checking, inspection or examination of goods, including arrangements to ensure that the movement of the goods, or any plant carrying them, does not put any person performing such an operation in a position of danger.

Pedestrian walkways on shore

68 Walkways leading to ships should wherever practicable reach the ships' access without passing beneath overhead operations

Hatches, ramps and car decks

69 Loads should not be placed on hatch coverings without the authority of a ship's officer who is competent to make such a decision.

Use of vehicles

70 Where cranes and equipment are rail mounted or guided, those rails should be securely jointed, anchored and supported.

71 Crane rails should generally be straight, and should be provided with suitable crane arresting devices, which should be properly maintained.

Use of lifting plant

72 Power operated rail-mounted cranes should have an efficient braking mechanism to stop the motion along the rails when the crane is in service. An effective system should also be provided to prevent inadvertent movement of the crane where it is exposed to high winds in an out-of-service condition; for example, storm pins at sufficient intervals along the track, or some other suitable device which enables the crane to be securely anchored when not in use. Large rail-mounted container cranes in the open air on land and other large shoreside cranes of comparable size liable to be affected by high winds should be fitted with an accurate device to indicate to the driver, and at ground level or terminal control, excessive wind speed.

Lifting plant for raising or lowering people should include –

- (a)** a suitable platform, cage or skip, of good construction, sound material and adequate strength, which is properly maintained;
- (b)** except in the case of ships' cargo lifts which only carry drivers at the controls of their vehicles, fencing around the platform or cage up to a height of at least 1 m, constructed and arranged to prevent someone falling out, or being trapped;
- (c)** an adequate secure foothold and handhold for someone travelling on the platform, cage or skip;
- (d)** arrangements to prevent the platform, cage or skip tipping or spinning in a manner dangerous to any occupant, or from becoming accidentally displaced.

73 The shoreside employer should provide and maintain a system of work for wire rope slings which includes checking the test certificates for the wire rope from which the slings were made, where these are available. Where they are not available, he should, where possible, otherwise verify that a test has been carried out.

74 The employer should check the condition of all slings so far as it is possible to do so, and consider the use to which they are to be put. Slings, both rope and chain, used for pre-slung loads are included. Multi-trip and one-trip slings, and intermediate bulk containers (IBCs) are also included.

75 Tank containers should not be lifted directly with the forks of fork lift trucks, because of the risks of instability and of damaging the container with the ends of the forks. Tank containers may be lifted using fork lift trucks fitted with suitably designed side or top lifting attachments, but care must be exercised due to the risk of surge in partly filled tanks.

76 Lifting appliances should not be used to drag loads with the fall at an angle to the vertical if such operations are liable to cause damage or overload the crane.

Guidance

77 How you can reduce risks from lifting equipment:

- Use suitable lifting equipment to securely lift cargo.
- Use a competent person to plan the lift. This plan should include the order of work, route, weight, slinging/spreader method and what to do in the event of a shifted load or bad weather.
- Don't lift over areas where people are likely to be working or passing.
- All lifting equipment and accessories should be properly inspected and examined.
- Ensure employees and supervisors are trained, competent and experienced in safe lifting.
- If a ship's lifting equipment is to be used, ensure that it is suitable and subject to a pre-use examination. Check the ship's documentation of thorough examination.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP002 - General Cargo](#)

[SIP003 – Container Handling](#)

Further information from HSE:

HSE's LOLER website: <http://www.hse.gov.uk/work-equipment-machinery/loler.htm>

Other sources of information:

BS7121-2-9 - Code of Practice for the Safe Use of Cranes - Inspection, Maintenance & Thorough examination - Cargo handling & container cranes – in preparation

Dusty cargoes

78 Typical cargoes in UK ports include grain, soya, animal foodstuffs, fishmeal, ores, coal and coke, cement, biomass, superphosphate and other fertilisers.

Typical risks from dusty cargoes

79 During handling these can give off large quantities of dust. In some cases, eg coal and aggregates, the dust is simply small particles of the material itself. In other cases, eg grains and pulses, the dust may include contaminants such as bacteria and fungi.

80 In certain concentrations, the dusts given off by some cargoes can be explosive. Notable examples include sugar, coal, wood, grain, certain metals and many synthetic organic chemicals.

81 Different dusts have different effects on health, but the most important effects of dusty cargoes are on the lungs. The chronic effects are often permanent and disabling.

Guidance

How to reduce the risks from dusty cargoes

82 Where possible, you should prevent a person's exposure to hazardous dust. If it is not possible to prevent exposure, you should adequately control their exposure to the dust. Some ways to control exposure include:

- restrict staff entry to dusty areas;
- use totally enclosed, continuous handling systems – these usually provide the best control and should be used whenever reasonably practicable;
- suppress dust with sprays of water or other binding agents;
- ensure all equipment used to reduce dust exposure is properly maintained;
- design tasks to reduce the amount of dust generated;
- provide suitable dust-filtration systems to the cabs of all new loading shovels used to handle dusty cargoes;
- provide respiratory protective equipment (RPE) – this should be suitable for its purpose, maintained and compatible with other protective equipment worn; and
- where appropriate, provide health surveillance for workers.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP007 – Dry bulk cargo loading/unloading](#)

[SIP008 – Dry bulk cargo storage](#)

Further information from HSE:

[HSE's Control of Substances Hazardous to Health website](#)

[HSE's Chronic Obstructive Pulmonary Disease \(COPD\) website](#)

HSG103 – Safe handling of combustible dusts

<http://www.hse.gov.uk/pubns/priced/hsg103.pdf>

Musculoskeletal disorders

83 Port workers carry out a number of activities which, if not properly managed, may lead to a variety of musculoskeletal disorders (MSDs).

84 These include back pain and muscle injuries, and are often the result of poor handling techniques or tasks involving repetitive movements and/or excessive force. Injuries can also be caused by the vibration created by some vehicles – this is known as whole-body vibration. Some people may not fully recover from MSDs and they can greatly affect your quality of life.

Where MSD hazards can be found in ports

- Manual manoeuvring of lifting gear and attachments or slung loads.
- Handling of twist locks and unlocking poles.
- Lifting/manoeuvring of lashing bars.
- Breaking out pre-packed or palleted loads.
- Storage and warehousing activities.
- Hauling mooring ropes off large ships.
- Vibration transmitted through the seat or feet of employees who drive mobile machines, such as ro-ro tugs and other similar vehicles, over uneven ground or on rails.

Guidance

How to reduce MSD risks

85 For manual handling:

- Use mechanical aids such as motorised winches for hauling mooring ropes of large ships, vehicle-mounted hydraulic hoists, portable roller conveyors, pallet trucks, scissor lifts and customised trolleys.
- Consider whether a load can be changed to make it easier to carry, for example smaller packages, providing handles or hand-holds.
- Adopt safe lifting techniques.

86 For whole-body vibration:

- Use appropriate machinery for the job.
- Maintain plant and equipment, e.g. container cranes and rubber-tyred gantry cranes. Maintenance should include seats, suspension and visibility through windows.
- Maintain roadways, quays, container park surfaces and rails.
- Take account of vibration information when buying or hiring equipment.
- Provide drivers with information on how to reduce risks to their health.

Find out more

Further information from HSE:

HSE's musculoskeletal disorders website – www.hse.gov.uk/msd/index.htm

Manual handling assessment charts – www.hse.gov.uk/pubns/indg383.htm

HSE's whole-body vibration website – www.hse.gov.uk/vibration/wbv/index.htm

Whole-body vibration in ports - www.hse.gov.uk/vibration/wbv/ports.pdf

Slips and trips

87 Over a quarter of all reportable accidents in ports are due to slips or trips. These can be serious, resulting in broken or dislocated bones and long periods off work. They should not be accepted as 'one of those things' and you can often take simple steps to prevent them happening.

Typical slip and trip hazards in ports

- Working on uneven, wet or icy surfaces on loads.
- Badly stowed ropes, cables, container lashing gear and other equipment.
- Use of aluminium chequerplate surfaces on walkways and access steps when wet.
- Discarded packaging and pallets.

ACOP

88 Where reasonably practicable, those parts of dock premises which have been used for working ships should be cleared of loose material. In addition such materials should be cleared at appropriate intervals in the course of working each ship.

Guidance

89 How you can reduce slip and trip risks

- Specify appropriate flooring/surfaces.
- Maintain plant to prevent contamination, e.g. oil getting onto the floor.
- Good housekeeping – encourage a 'see it, sort it' culture. Provide storage bins to store lifting gear.
- Maintain floors, steps and walkways in a good condition.
- Select suitable footwear for the task, you must supply footwear if its required as personal protective equipment (PPE)
- Plan pedestrian and vehicle routes to avoid contaminated areas
- Provide adequate lighting.

Find out more

Further information from HSE:

HSE's Slips and Trips website www.hse.gov.uk/slips/index.htm

Preventing slips and trips at work: a brief guide (INDG225) <http://www.hse.gov.uk/pubns/indg225.pdf>
Slips and Trips eLearning Package, referred to as '**STEP**' www.hse.gov.uk/slips/step/start.htm

Confined spaces

90 People are killed or seriously injured in confined spaces each year in the UK. This happens in a wide range of industries, from those involving complex plant to simple storage vessels.

Those killed include not just people working in a confined space, but also those who try to rescue them without proper training and equipment.

Typical risks from confined spaces in ports

91 Confined spaces can in some circumstances include ships' holds as well as warehouses, silos and bins. They are dangerous because they are enclosed, either largely or completely and they have a clearly foreseeable risk due to:

- lack of oxygen – possibly due to the cargo absorbing oxygen from the atmosphere, rusting cargo such as scrap metal, decomposing or rotting cargo, or gas cutting/welding. Oxygen can also be displaced by other fumes such as carbon monoxide;
- too much oxygen – possibly due to a leak in stored gas bottles which can also increase the flammability of substances;
- build-up of toxic or flammable gases – possibly due to decomposing or leaking cargo, inadequate cleaning processes, or welding/vehicle fumes.
- Risk of drowning from an inundation of water or a solid such as grain, wood pellets etc;
- High temperatures

Guidance

92 How to reduce the risks in confined spaces:

- Avoid working in the confined space – work from outside if possible.
- Make those expected to work in the space aware of the risks from fumes (where cargo is known to oxidise in transit), cargo/content (where content includes potentially dangerous chemicals), and the work they are to do (e.g. welding can lead to dangerous temperatures in a small space)
- Check the safety of the atmosphere before entering. Check several samples in case there are pockets of dangerous gas – e.g. lighter or heavier than air
- Follow a safe system of work if you really have to work in a confined space and consider:
 - positive ventilation of the confined space;
 - measurement of oxygen or gas concentration. In some cases this should be ongoing monitoring such as when dealing with chemicals that can give off fumes or welding which can deplete oxygen;
 - controlled access using permit-to-work systems;
 - use of respiratory protective equipment (RPE); and
 - rescue arrangements.
- Ensure workers inside a confined space have a mechanism for communicating with those outside, especially if they cannot be physically monitored
- Never enter a confined space without making proper emergency arrangements. Provide rescue equipment, including harnesses, safety lines and first aid equipment. Make sure you can quickly notify the emergency services if necessary.
- With so many people involved in port activities, it's worth considering a permit-to-work system. This ensures a safe system of work is in place and improves communications.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP015 – Confined spaces \(in preparation\)](#)

Further information from HSE:

HSE's website on confined spaces – www.hse.gov.uk/confinedspace/index.htm

Confined spaces: A brief guide to working safely – www.hse.gov.uk/pubns/indg258.htm

Other sources of information

Entry into enclosed spaces - ships' cargo spaces & freight containers - 2 pocket guides published jointly by TT Club/ICHCA International – www.ttclub.com

MCA guidance on confined spaces - www.dft.gov.uk/mca/entry_into_enclosed_spaces.pdf

Transport by water

93 All vessels that are used to carry a person from one part of the port to another to enable them to participate in port operations should be safe for use.

ACOP

94 Vessels used should provide adequate and sufficient shelter, should have seating, heating and ventilation sufficient for safety, appropriate navigational equipment according to the conditions prevailing and the length of the journey, and should always be equipped with adequate life-saving appliances.

Find out more

Further information from HSE:

HSE's Work Equipment website <http://www.hse.gov.uk/work-equipment-machinery/index.htm>

Other sources of information:

The Safety of Small Workboats & Pilot Boats - A Code of Practice - <http://www.dft.gov.uk/mca/mcga07-home.htm>

Rescue and life-saving

95 Due to the unique nature of ports, it is important to ensure that there are adequate provisions in place to facilitate the rescue of anyone who may have fallen into the water from the quayside.

ACOP

96 You should provide the means to assist people to rescue themselves from drowning, and also provision for other persons to rescue those in danger without endangering themselves. The means should include –

- (a) handholds on the quayside at water level (at any state of the tide),
- (b) ladders on quay walls,
- (c) life-saving appliances.

97 At jetties or quays where the edges are fenced throughout to the standard required by (ACOP para 53 above) the provision of life-saving appliances will generally suffice, unless the general public has access to them or there are particular reasons to anticipate a risk of people falling over these edges which is comparable with the risk at unfenced edges.

98 Some quays may be constructed so that the actual structure provides handholds. In deciding whether these are adequate, remember that someone in the water is likely to be cold, shocked, exhausted and possibly injured. Handholds should therefore be suitable for use in such a situation. They may take the form of chains, fibre ropes, rubber tyres, fenders or other suitable material hung from the quayside. They should be protected if possible to avoid damage both to and from ships.

99 Each ladder should be suitably protected against accidental damage, and should enable someone who reaches it to climb from the water to the quay. It should extend to 1 metre below the water line at any foreseeable state of the tide (or to the sea/river bed where there is less than 1 metre of water at the foot of the quay at low water). Suitable hand-grips will need to be provided on the quayside, designed so that they are not readily obstructed by ice or dirt. They should also be recessed or positioned to prevent tripping hazards.

100 At all new quays i.e. those constructed or reconstructed after 1 January 1989, handholds and ladders should each be at intervals not exceeding 30 m, with handholds approximately midway between each pair of ladders, so that there is either a handhold or ladder at least every 15 m.

101 At existing quays, the following may be considered reasonable intervals for the provision of ladders and handholds -

- (a) Where the design of the quay provides convenient protected positions for ladders, they should be installed at intervals which do not exceed 50 m and intermediate handholds should provide a means of support at intervals not exceeding 25 m; or
- (b) Where the quay is not so designed, ladders should be installed at intervals not exceeding 85 m and intermediate handholds should provide a means of support at intervals of approximately 30 m; or
- (c) Where dock operations are not normally carried out, or only infrequently, and the quay is not equipped with ladders to the above standards, suitable portable ladders should be provided and securely placed fore and aft of each ship when it has moored to work.

102 Life-saving appliances should be conspicuous. They should be provided at intervals no greater than 100 m. A suitable life-line of a length adequate for the dock should be attached to each life-buoy or a separate throwing line should be provided. All such appliances should be kept readily accessible. Draglines are not rescue equipment.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

SIP020 Water safety - in preparation

Emergency Planning

103 Workplaces need a plan for emergencies that can have a wider impact. Special procedures are needed for emergencies such as serious injuries, explosion, flood, poisoning, electrocution, fire, release of radioactivity and chemical spills.

104 Quick and effective action may help to ease the situation and reduce the consequences. However, in emergencies people are more likely to respond reliably if they:

- are well trained and competent
- take part in regular and realistic practice
- have clearly agreed, recorded and rehearsed plans, actions and responsibilities

Guidance

105 Write an emergency plan if a major incident at your workplace could involve risks to the public, rescuing employees or co-ordinating emergency services.

106 Where you share your workplace with another employer you should consider whether your emergency plans and procedures should be co-ordinated.

107 Points to consider in an emergency plan include:

- Consider what might happen and how the alarm will be raised. Don't forget night and shift working, weekends and times when the premises are closed, eg holidays
- Plan what to do, including how to call the emergency services. Help them by clearly marking your premises from the road. Consider drawing up a simple plan showing the location of hazardous items
- If you have 25 tonnes or more of dangerous substances, you must notify the fire and rescue service and put up warning signs
- Decide where to go to reach a place of safety or to get rescue equipment. You must provide suitable forms of emergency lighting
- You must make sure there are enough emergency exits for everyone to escape quickly, and keep emergency doors and escape routes unobstructed and clearly marked
- Nominate competent people to take control (a competent person is someone with the necessary skills, knowledge and experience to manage health and safety)
- Decide which other key people you need, such as a nominated incident controller, someone who is able to provide technical and other site-specific information if necessary, or first-aiders
- Plan essential actions such as emergency plant shutdown, isolation or making processes safe. Clearly identify important items like shut-off valves and electrical isolators etc
- You must train everyone in emergency procedures. Don't forget the needs of people with disabilities and vulnerable workers

108 Work should not resume after an emergency if a serious danger remains. If you have any doubts ask for assistance from the emergency services.

Find out more

Joint HSE/Ports Skills and Safety Guidance:

[SIP016 Emergencies, adverse events and contingency planning – in preparation](#)

Personal Protective Equipment

109 Employers have duties concerning the provision and use of personal protective equipment (PPE) at work.

110 PPE is equipment that will protect the user against health or safety risks at work. It can include items such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear and safety harnesses. It also includes respiratory protective equipment (RPE).

111 Making the workplace safe includes providing instructions, procedures, training and supervision to encourage people to work safely and responsibly.

112 Even where engineering controls and safe systems of work have been applied, some hazards might remain. These include injuries to:

- the lungs, eg from breathing in contaminated air
- the head and feet, eg from falling materials
- the eyes, eg from flying particles or splashes of corrosive liquids
- the skin, eg from contact with corrosive materials
- the body, eg from extremes of heat or cold

113 PPE is needed in these cases to reduce the risk.

ACOP

114 **Safety helmets should be provided where loose cargo of a type particularly liable to cause head injury is handled, such as scrap metal, or other loose metal objects.**

Guidance

115 You should ask yourself the following questions:

- Who is exposed and to what?
- How long are they exposed for?
- How much are they exposed to?

116 When selecting and using PPE:

- Choose products which are CE marked in accordance with the Personal Protective Equipment Regulations 2002 – suppliers can advise you
- Choose equipment that suits the user – consider the size, fit and weight of the PPE. If the users help choose it, they will be more likely to use it
- Make sure that if more than one item of PPE is being worn they can be used together, eg wearing safety glasses may disturb the seal of a respirator, causing air leaks

117 Instruct and train people how to use it, eg train people to remove gloves without contaminating their skin. Tell them why it is needed, when to use it and what its limitations are.

118 You must only use PPE as a last resort.

119 If PPE is still needed after implementing other controls, you must provide this for your employees free of charge. You must choose the equipment carefully (see selection details below) and ensure employees are trained to use it properly, and know how to detect and report any faults.

- 120 Never allow exemptions from wearing PPE for those jobs that 'only take a few minutes'
- 121 Check with your supplier on what PPE is appropriate – explain the job to them. If in doubt, seek further advice from a specialist adviser
- 122 PPE must be properly looked after and stored when not in use, eg in a dry, clean cupboard. If it is reusable it must be cleaned and kept in good condition.
- 123 Think about:
- using the right replacement parts which match the original, eg respirator filters
 - keeping replacement PPE available
 - who is responsible for maintenance and how it is to be done
 - having a supply of appropriate disposable suits which are useful for dirty jobs where laundry costs are high, eg for visitors who need protective clothing
- 124 Employees must make proper use of PPE and report its loss or destruction or any fault in it.

Find out more

Further information from HSE:

HSE's Respiratory Protection Equipment website - www.hse.gov.uk/respiratory-protective-equipment/index.htm

Lone working

125 Lone workers should not be put at more risk than other employees. Think about and deal with any health and safety risks before people work alone.

Guidance

- 126 Establishing a healthy and safe working environment for lone workers can be different from organising the health and safety of other employees. They should not be put at more risk than other people working for you.
- 127 There are no absolute restrictions on working alone; it will depend on the findings of a risk assessment that should cover:
- the risks to health and safety that employees are exposed to while they are at work; and
 - the risks to the health and safety of people not in your employment arising out of or in connection with your work
- 128 It will often be safe to work alone. However, the law requires employers to think about and deal with any health and safety risks before people are allowed to do so.
- 129 When risk assessment shows that it is not possible for the work to be done safely by a lone worker, arrangements for providing help or back-up should be put in place. Where a lone worker is working at another employer's workplace, that employer should inform the lone worker's employer of any risks and the control measures that should be taken. This helps the lone worker's employer to assess the risks.

130 Risk assessment should help decide the right level of supervision. There are some high-risk activities where at least one other person may need to be present. Examples include some high-risk confined space working where a supervisor may need to be present, as well as someone dedicated to the rescue role, and electrical work at or near exposed live conductors where at least two people are sometimes required.

131 Consider:

- whether there is a need to assess areas of risk including violence, manual handling, the medical suitability of the individual to work alone and any risks arising from the nature of the workplace itself;
- whether there are any particular requirements for training and levels of experience needed;
- what systems might be needed to supervise and keep in touch with lone workers where a risk assessment shows this is necessary.

132 Depending on the results of your risk assessment, some lone workers may require extra risk-control measures.

133 Control measures may include instruction, training, supervision, protective equipment etc. Employers should check that control measures are used and review the risk assessment from time to time to ensure it is still adequate.

134 Precautions should take account of normal work and foreseeable emergencies, e.g. fire, equipment failure, illness and accidents. Employers should identify situations where people work alone and ask questions such as:

- Does the workplace present a special risk to the lone worker?
- Is there a safe way in and a way out for one person? Can any temporary access equipment which is necessary, such as portable ladders or trestles, be safely handled by one person?
- Can all the plant, substances and goods involved in the work be safely handled by one person? Consider whether the work involves lifting objects too large for one person or whether more than one person is needed to operate essential controls for the safe running of equipment.
- Is there a risk of violence?
- Are women especially at risk if they work alone?
- Are young workers especially at risk if they work alone?
- Is the person medically fit and suitable to work alone?
- What happens if the person becomes ill, has an accident or there is an emergency?

Find out more

INDG73 – Working Alone <http://www.hse.gov.uk/pubns/indg73.htm>

First aid

135 You have a legal duty to make arrangements to ensure your employees receive immediate attention if they are injured or take ill at work. Your arrangements will depend on the particular circumstances in your workplace and you need to assess what your first-aid needs are.

136 As a minimum, you must have:

- a suitably stocked first-aid box;
- an appointed person to take charge of first-aid arrangements;
- information for all employees giving details of first-aid arrangements.

Guidance

137 You need to assess your first-aid requirements to help you decide what equipment and facilities you need, and how many first-aid personnel you should provide. The minimum first-aid provision in any workplace is:

- a suitably stocked first-aid box
- an appointed person to take charge of first-aid arrangements
- You also need to put up notices telling your employees where they can find:
 - the first-aiders or appointed persons
 - the first-aid box

138 Your assessment may also indicate that you should provide a first-aid room, particularly where your work involves certain hazards, including some of those found in chemical industries, in ports or on large construction sites, for example.

139 If you are self-employed you should have equipment to be able to provide first aid to yourself at work. You should make an assessment of the hazards and risks in your workplace and establish an appropriate level of first-aid provision.

140 You might decide that you need a first-aid, ie someone trained by an approved organisation, and who holds a qualification in first aid at work or emergency first aid at work.

141 Qualified first-aiders must have the right training and a certificate valid for three years – after that a refresher course and re-examination is necessary. First-aid training organisations are approved by HSE.

Find out more

Further information from HSE:

HSE's First Aid at work website: <http://www.hse.gov.uk/firstaid>

First Aid at work assessment tool: <http://www.hse.gov.uk/firstaid/assessmenttool.htm>

First Aid at work – your questions answered <http://www.hse.gov.uk/pubns/indg214.htm>

Basic advice on first aid at work <http://www.hse.gov.uk/pubns/indg347.htm>

Accident reporting

142 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) require employers, or in certain circumstances others who control or manage the premises, to report to the relevant enforcing authority and keep records of:

- work-related deaths
- certain types of major injuries to people at work, which are listed in RIDDOR, such as fractures, amputations and other injuries that require admittance to hospital for more than 24 hours
- all 'over-seven day injuries' to workers, which are those where a person who is injured from a workplace accident is incapacitated for more than seven consecutive days
- cases of those industrial diseases listed in RIDDOR
- certain 'dangerous occurrences' (near-miss accidents)
- injuries to a person who is not at work, such as a member of the public, which are caused by an accident at work and which result in the person being taken to hospital from the site for treatment

Guidance

143 Reporting and recording are legal requirements. The report tells the enforcing authorities for occupational health and safety (HSE and local authorities) about serious incidents and cases of disease. This means they can identify where and how risks arise and whether they need to be investigated.

144 It also allows HSE and local authorities to target their work and provide advice on how to avoid work-related deaths, injuries, ill health and accidental loss.

145 Information on accidents, incidents and ill health can be used as an aid to risk assessment, helping to develop solutions to potential risks. Records also help to prevent injuries and ill health, and control costs from accidental loss.

146 The HSE website provides information on RIDDOR which puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

<http://www.hse.gov.uk/riddor/>

Find out more

Further information from HSE:

HSE's RIDDOR website <http://www.hse.gov.uk/riddor/index.htm>

Reporting accidents and incidents at work <http://www.hse.gov.uk/pubns/indg453.htm>

Appendix 1 - Notice of Approval

By virtue of section 16(4) of the Health and Safety at Work etc Act 1974 ('the 1974 Act'), and with the consent of the [Secretary of State for **xxxx**] pursuant to section 16(2) of the 1974 Act, the Health and Safety Executive has on **[date]** approved the Code of Practice entitled *Safe work in ports* (First edition, 2013, L148).

The Code of Practice gives practical guidance on Regulations 2, 3 and 7 of the HSW Act as they relate to ports.

By virtue of section 16(5) and with the consent of the [Secretary of State for **xxxx**] **under** that paragraph, the Health and Safety Executive has withdrawn its approval of the Code of practice *Safety in Docks. Docks Regulations 1988. Approved Code of Practice with Regulations and guidance COP25*, which shall cease to have effect on **XXXXXX**.

The Code of Practice comes into effect on **xxxxx**.

Signed

XXXXXX

Secretary to the XXXXX

XXXXXXX

Appendix 2 - Legislation

<p>Health and Safety at Work etc Act 1974</p>	<p>Section 2 <i>General duties of employers to their employees.</i></p> <p>(1) <i>It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.</i></p> <p>(2) <i>Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—</i></p> <p style="padding-left: 40px;">(a) <i>the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;</i></p> <p style="padding-left: 40px;">(b) <i>arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;</i></p> <p style="padding-left: 40px;">(c) <i>the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;</i></p> <p style="padding-left: 40px;">(d) <i>so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;</i></p> <p style="padding-left: 40px;">(e) <i>the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.</i></p> <p>(3) <i>Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.</i></p> <p>(4) <i>Regulations made by the Secretary of State may provide for the appointment in prescribed cases by recognised trade unions (within the meaning of the regulations) of safety representatives from amongst the employees, and those representatives shall represent the employees in consultations with the employers under subsection (6) below and shall have such other functions as may be prescribed.</i></p>
	<p>Section 3 <i>General duties of employers and self-employed to persons other than their employees</i></p> <p>(1) <i>It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.</i></p>

	<p>(2) <i>It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.</i></p> <p>(3) <i>In such cases as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety.</i></p>
	<p>Section 7 General duties of employees at work</p> <p><i>It shall be the duty of every employee while at work—</i></p> <p>(a) <i>to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and</i></p> <p>(b) <i>as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.</i></p>

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

The Stationery Office publications are available from The Stationery Office, PO Box 29, Norwich NR3 1GN Tel: 0870 600 5522 Fax: 0870 600 5533 email: customer.services@tso.co.uk Website: www.tsoshop.co.uk/ (They are also available from bookshops.) Statutory Instruments can be viewed free of charge at www.legislation.gov.uk/.

British Standards can be obtained in PDF or hard copy formats from BSI: <http://shop.bsigroup.com> or by contacting BSI Customer Services for hard copies only Tel: 020 8996 9001 email: cservices@bsigroup.com.

This publication is available at: www.hse.gov.uk/pubns/books/l###.htm

Consultation on proposals for an Approved Code of Practice on Safety in Ports

The full text of this and other
Consultative Documents can be viewed
and downloaded from the
Health and Safety Executive web site on the
internet: www.hse.gov.uk/consult/index.htm

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