

§ 809. - Occupational Safety and Health (Dock Work) Convention, 25 Giugno 1979 n. 152 (1).

(1)Entrata in vigore il 5 Dicembre 1981. Ratificata dall'Italia il 7 Giugno 2000. Vedi anche le Convenzioni ILO n. 32 e n.119

PART I.
SCOPE AND DEFINITIONS

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

Art. 2. 1. A Member may grant exemptions from or permit exceptions to the provisions of this Convention in respect of dock work at any place where the traffic is irregular and confined to small ships, as well as in respect of dock work in relation to fishing vessels or specified categories thereof, on condition that—

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

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

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

Art. 3. For the purpose of this Convention—

- (a) the term *worker* means any person engaged in dock work;
- (b) the term *competent person* means a person possessing the knowledge and experience required for the performance of a specific duty or duties and acceptable as such to the competent authority;
- (c) the term *responsible person* means a person appointed by the employer, the master of the ship or the owner of the gear, as the case may be, to be responsible for the performance of a specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of the duty or duties;
- (d) the term *authorised person* means a person authorised by the employer, the master of the ship or a responsible person to undertake a specific task or tasks and possessing the necessary technical knowledge and experience;
- (e) the term *lifting appliance* covers all stationary or

mobile cargo-handling appliances, including shore-based power-operated ramps, used on shore or on board ship for suspending, raising or lowering loads or moving them from one position to another while suspended or supported;

(f) the term *loose gear* covers any gear by means of which a load can be attached to a lifting appliance but which does not form an integral part of the appliance or load;

(g) the term *access* includes egress;

(h) the term *ship* covers any kind of ship, vessel, barge, lighter or hovercraft, excluding ships of war.

PART II.
GENERAL PROVISIONS

Art. 4. 1. National laws or regulations shall prescribe that measures complying with Part III of this Convention be taken as regards dock work with a view to—

- (a) providing and maintaining workplaces, equipment and methods of work that are safe and without risk of injury to health;
- (b) providing and maintaining safe means of access to any workplace;
- (c) providing the information, training and supervision necessary to ensure the protection of workers against risks of accident or injury to health arising out of or in the course of their employment;
- (d) providing workers with any personal protective equipment and protective clothing and any life-saving appliances reasonably required where adequate protection against risks of accident or injury to health cannot be provided by other means;
- (e) providing and maintaining suitable and adequate first-aid and rescue facilities;
- (f) developing and establishing proper procedures to deal with any emergency situations which may arise.

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

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

- (p) first-aid and rescue facilities;
- (q) safety and health organisation;
- (r) training of workers;
- (s) notification and investigation of occupational accidents and diseases.

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

Art. 5. 1. National laws or regulations shall make appropriate persons, whether employers, owners, masters or other persons, as the case may be, responsible for compliance with the measures referred to in Article 4, paragraph 1, of this Convention.

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

Art. 6. 1. There shall be arrangements under which workers—

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

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

Art. 7. 1. In giving effect to the provisions of this Convention by national laws or regulations or other appropriate methods consistent with national practice and conditions, the competent authority shall act in consultation with the organisations of employers and workers concerned.

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

PART III. TECHNICAL MEASURES

Art. 8. Any time that a workplace has become unsafe or there is a risk of injury to health, effective measures shall be taken (by fencing, flagging or

other suitable means including, where necessary, cessation of work) to protect the workers until the place has been made safe again.

Art. 9. 1. All places where dock work is being carried out and any approaches thereto shall be suitably and adequately lighted.

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

Art. 10. 1. All surfaces used for vehicle traffic or for the stacking of goods or materials shall be suitable for the purpose and properly maintained.

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

Art. 11. 1. Passageways of adequate width shall be left to permit the safe use of vehicles and cargo-handling appliances.

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

Art. 12. Suitable and adequate means for fighting fire shall be provided and kept available for use where dock work is carried out.

Art. 13. 1. All dangerous parts of machinery shall be effectively guarded, unless they are in such a position or of such a construction as to be as safe as they would be if effectively guarded.

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

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

4. Only an authorised person shall be permitted to—

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

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

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

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

Art. 14. All electrical equipment and installations shall be so constructed, installed, operated and maintained as to prevent danger and shall conform to such standards as have been recognised by the competent authority.

Art. 15. When a ship is being loaded or unloaded alongside a quay or another ship, adequate and safe means of access to the ship, properly installed and secured, shall be provided and kept available.

Art. 16. 1. When workers have to be transported to or from a ship or other place by water, adequate measures shall be taken to ensure their safe embarking, transport and disembarking; the conditions to be complied with by the vessels used for this purpose shall be specified.

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

Art. 17. 1. Access to a ship's hold or cargo deck shall be by means of—

(a) a fixed stairway or, where this is not practicable, a fixed ladder or cleats or cups of suitable dimensions, of adequate strength and proper construction; or

(b) by other means acceptable to the competent authority.

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

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

Art. 18. 1. No hatch cover or beam shall be used unless it is of sound construction, of adequate strength for the use to which it is to be put and properly maintained.

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

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

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

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

Art. 19. 1. Adequate measures shall be taken to protect any opening in or on a deck where workers are

required to work, through which opening workers or vehicles are liable to fall.

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

Art. 20. 1. All necessary measures shall be taken to ensure the safety of workers required to be in the hold or on a cargo deck of a ship when power vehicles operate in that hold or loading or unloading operations are taking place with the aid of power-operated appliances.

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

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

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

Art. 21. Every lifting appliance, every item of loose gear and every sling or lifting device forming an integral part of a load shall be—

(a) of good design and construction, of adequate strength for the purpose for which it is used, maintained in good repair and working order and, in the case of a lifting appliance in respect of which this is necessary, properly installed;

(b) used in a safe and proper manner and, in particular, shall not be loaded beyond its safe working load or loads, except for testing purposes as specified and under the direction of a competent person.

Art. 22. 1. Every lifting appliance and every item of loose gear shall be tested in accordance with national laws or regulations by a competent person before being put into use for the first time and after any substantial alteration or repair to any part liable to affect its safety.

2. Lifting appliances forming part of a ship's equipment shall be retested at least once in every five years.

3. Shore-based lifting appliances shall be retested at such times as prescribed by the competent authority.

4. Upon the completion of every test of a lifting appliance or item of loose gear carried out in accordance with this Article, the appliance or gear shall be thoroughly examined and certified by the person carrying out the test.

Art. 23. 1. In addition to the requirements of Article 22, every lifting appliance and every item of loose gear shall be periodically thoroughly examined and

certified by a competent person. Such examinations shall take place at least once in every 12 months.

2. For the purpose of paragraph 4 of Article 22 and of paragraph 1 of this Article, a thorough examination means a detailed visual examination by a competent person, supplemented if necessary by other suitable means or measures in order to arrive at a reliable conclusion as to the safety of the appliance or item of loose gear examined.

Art. 24. 1. Every item of loose gear shall be inspected regularly before use. Expendable or disposable slings shall not be reused. In the case of pre-slung cargoes, the slings shall be inspected as frequently as is reasonably practicable.

2. For the purpose of paragraph 1 of this Article, an inspection means a visual inspection by a responsible person carried out to decide whether, so far as can be ascertained in such manner, the gear or sling is safe for continued use.

Art. 25. 1. Such duly authenticated records as will provide prima facie evidence of the safe condition of the lifting appliances and items of loose gear concerned shall be kept, on shore or on the ship as the case may be; they shall specify the safe working load and the dates and results of the tests, thorough examinations and inspections referred to in Articles 22, 23 and 24 of this Convention: Provided that in the case of inspections referred to in paragraph 1 of Article 24 of this Convention, a record need only be made where the inspection discloses a defect.

2. A register of the lifting appliances and items of loose gear shall be kept in a form prescribed by the competent authority, account being taken of the model recommended by the International Labour Office.

3. The register shall comprise certificates granted or recognised as valid by the competent authority, or certified true copies of the said certificates, in a form prescribed by the competent authority, account being taken of the models recommended by the International Labour Office in respect of the testing, thorough examination and inspection, as the case may be, of lifting appliances and items of loose gear.

Art. 26. 1. With a view to ensuring the mutual recognition of arrangements made by Members which have ratified this Convention for the testing, thorough examination, inspection and certification of lifting appliances and items of loose gear forming part of a ship's equipment and of the records relating thereto—

(a) the competent authority of each Member which has ratified the Convention shall appoint or otherwise recognise competent persons or national or international organisations to carry out tests and/or thorough examinations and related functions, under conditions that ensure that the continuance of appointment or recognition depends upon satisfactory performance;

(b) Members which have ratified the Convention shall accept or recognise those appointed or otherwise recognised pursuant to subparagraph (a) of this paragraph, or shall enter into reciprocal arrangements with regard to such acceptance or reco-

gnition; in either case, acceptance or recognition shall be under conditions that make their continuance dependent upon satisfactory performance.

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

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

(b) in the view of the competent authority, the appliance or gear is not safe for use.

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

Art. 27. 1. Every lifting appliance (other than a ship's derrick) having a single safe working load and every item of loose gear shall be clearly marked with its safe working load by stamping or, where this is impracticable, by other suitable means.

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

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

(a) in single purchase;

(b) with a lower cargo block;

(c) in union purchase in all possible block positions.

Art. 28. Every ship shall carry rigging plans and any other relevant information necessary to permit the safe rigging of its derricks and accessory gear.

Art. 29. Pallets and similar devices for containing or supporting loads shall be of sound construction, of adequate strength and free from visible defects liable to affect their safe use.

Art. 30. Loads shall not be raised or lowered unless slung or otherwise attached to the lifting appliance in a safe manner.

Art. 31. 1. Every freight container terminal shall be so laid out and operated as to ensure so far as is reasonably practicable the safety of the workers.

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

Art. 32. 1. Any dangerous cargo shall be packed, marked and labelled, handled, stored and stowed in accordance with the relevant requirements of international regulations applying to the transport of dangerous goods by water and those dealing specifically with the transport of dangerous goods by water and those dealing specifically with the handling of dangerous goods in ports.

2. Dangerous substances shall not be handled, stored or stowed unless they are packed and marked and labelled in compliance with international regu-

lations for the transport of such substances.

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

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

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

Art. 33. Suitable precautions shall be taken to protect workers against the harmful effects of excessive noise at the workplace.

Art. 34. 1. Where adequate protection against risks of accident or injury to health cannot be ensured by other means, workers shall be provided with and shall be required to make proper use of such personal protective equipment and protective clothing as is reasonably required for the performance of their work.

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

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

Art. 35. In case of accident, adequate facilities, including trained personnel, shall be readily available for the rescue of any person in danger, for the provision of first-aid and for the removal of injured persons in so far as is reasonably practicable without further endangering them.

Art. 36. 1. Each Member shall determine, by national laws or regulations or other appropriate methods consistent with national practice and conditions, and after consultation with the organisations of employers and workers concerned—

(a) for which risks inherent in the work there is to be an initial medical examination or a periodical medical examination, or both;

(b) with due regard to the nature and degree of the risks and the particular circumstances, the maximum intervals at which periodical medical examinations are to be carried out;

(c) in the case of workers exposed to special occupational health hazards, the range of special investigations deemed necessary;

(d) appropriate measures for the provision of occupational health services for workers.

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

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

Art. 37. 1. Safety and health committees including employers' and workers' representatives shall be

formed at every port where there is a significant number of workers. Such committees shall also be formed at other ports as necessary.

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

Art. 38. 1. No worker shall be employed in dock work unless he has been given adequate instruction or training as to the potential risks attaching to his work and the main precautions to be taken.

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

Art. 39. To assist in the prevention of occupational accidents and diseases, measures shall be taken to ensure that they are reported to the competent authority and, where necessary, investigated.

Art. 40. In accordance with national laws or regulations or national practice, a sufficient number of adequate and suitable sanitary and washing facilities shall be provided and properly maintained at each dock, wherever practicable within a reasonable distance of the workplace.

PART IV. IMPLEMENTATION

Art. 41. Each Member which ratifies this Convention shall—

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

(b) take necessary measures, including the provision of appropriate penalties, to enforce the provisions of the Convention;

(c) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention, or satisfy itself that appropriate inspection is carried out.

Art. 42. 1. National laws or regulations shall prescribe the time-limits within which the provisions of this Convention shall apply in respect of—

(a) the construction or equipping of a ship;

(b) the construction or equipping of any shore-based lifting appliance or other cargo-handling appliance;

(c) the construction of any item of loose gear.

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

Art. 43. This Convention revises the Protection against Accidents (Dockers) Convention, 1929, and the Protection against Accidents (Dockers) Convention (Revised), 1932.

Art. 44. The formal ratifications of this Convention

shall be communicated to the Director-General of the International Labour Office for registration.

Art. 45. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Art. 46. 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Art. 47. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall

draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Art. 48. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Art. 49. At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Art. 50. 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 46 above, if and when the new revising Convention shall have come into force; *b)* as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Art. 51. The English and French versions of the text of this Convention are equally authoritative.