



Health and Safety Executive for Northern Ireland

Consultation on revised Safety in Docks- Approved Code of Practice and Guidance

Consultative Document

APRIL 2014

Consultation on revised Approved Code of Practice (ACOP) – Safety in Docks

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This Consultative Document is based on the Consultative Document “Proposals for an Approved Code of Practice – Safety in Ports” issued by the Health and Safety Executive in Great Britain, whose assistance is gratefully acknowledged.

If you are reading this document on a computer screen and would prefer a printed version, it can be obtained on request. Furthermore, if you require a more accessible format an Executive Summary is available in Braille, large print, on disc or audiocassette, or in Irish, Ulster Scots and other languages of the minority ethnic communities in Northern Ireland. To obtain a summary in one of these formats, please contact Jim Sisk at the address shown at paragraph 19.

INTRODUCTION

1. This consultative document invites views on the revised Approved Code of Practice (ACOP) "Safety in Docks – Approved Code of Practice and Guidance", published by the Health and Safety Executive in Great Britain (HSE), which the Health and Safety Executive for Northern Ireland (HSENI) proposes to approve for use in Northern Ireland. In these circumstances the existing HSENI "Safety in Docks" ACOP will be revoked.
2. The revised ACOP gives advice on the requirements of the Health and Safety at Work etc Act 1974 (in Northern Ireland the relevant legislation is the Health and Safety at Work (Northern Ireland) Order 1978) in relation to health and safety in docks and replaced the HSE Approved Code of Practice on Safety in Docks (COP25).
3. This consultation provides an opportunity to comment on whether the revised ACOP should be approved for use in Northern Ireland. The ACOP also provides guidance and signposting to more detailed freely available industry guidance.
4. The consultation is undertaken in compliance with Article 18 of the Health and Safety at Work (Northern Ireland) Order 1978 which requires HSENI to consult on HSE ACOPs prior to seeking the consent of the Department of Enterprise, Trade and Investment to approve them for use in Northern Ireland.
5. The proposed ACOP is included in this consultation document at Annex 1.

BACKGROUND

6. Large parts of the Docks Regulations (Northern Ireland) 1989 ("the 1989 Regulations") and the existing ACOP have already been revoked by other sets of Regulations:
 - The Work at Height Regulations (Northern Ireland) 2005;
 - the Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999 (LOLER); and
 - Confined Spaces Regulations (Northern Ireland) 1999

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

- Management of Health & Safety at Work Regulations (Northern Ireland) 2000 (MHSWR) and requirements for risk assessment and the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993 (WHSWR),
- The Manual Handling Operations Regulations (Northern Ireland) 1992 (MHOR)
- Specific requirements under the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999, LOLER and the WAHR.

7. 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.
8. 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>
9. In Great Britain, the Docks Regulations 1988 were revoked on 6 April 2014.
10. Given all of these developments, and that provisions in the Northern Ireland equivalent Regulations (the Docks Regulations (Northern Ireland) 1989) have either been revoked or superseded, HSENI is consulting separately with stakeholders and the public on a proposal to revoke the 1989 Regulations in their entirety. This proposal is included as part of a package of deregulatory and other measures contained in a consultative document entitled “Proposals for the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2014” which can be accessed at the HSENI website [link].

THE PROPOSALS

The revised ACOP

11. The revised ACOP at Annex 1 has been developed by HSE working closely with employer and employee representatives and is a shorter, simpler version of the previous one. Following informal consultation with key stakeholders by HSE, the document also provides guidance and signposting to more detailed, freely available industry guidance on each topic.
12. The revised ACOP can be read across to set out the preferred way of complying, in ports-specific situations, with the Health and Safety at Work (Northern Ireland) Order 1978 that will continue to apply when the Docks Regulations (Northern Ireland) 1989 are revoked. There are no new duties or requirements stemming from these revisions.
13. HSE consulted on the revised ACOP in a consultation that ended on 22 May 2013. Of the 25 responses received, the majority agreed that the ACOP text provided a clear and appropriate representation of a preferred method of compliance (working practice) in a modern port or dock environment. There were some concerns by key industry and employee stakeholders on some of the detail but, as indicated above, HSE has worked closely with employer and employee representatives to develop the final ACOP

14. It is proposed that the revised ACOP will be approved for use in Northern Ireland, the existing HSENI ACOP withdrawn and the 1989 Regulations revoked.
15. Removing the 1989 Regulations 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 (Northern Ireland) 2005 (WAHR) because they currently do not apply to “a place specified in regulation 7(6) of the Docks Regulations (Northern Ireland) 1989 where persons are engaged in dock operations”. Regulation 7 of the Dock Regulations would be covered by the general principles in Regulation 6 of the WAHR so HSENI plans to amend the WAHR so that the requirements of the Docks Regulations regulation 7(6) are retained. These amendments will be included in the legislation proposed in the consultative document referred to at paragraph 10.

COSTS AND BENEFITS

16. The removal of the Docks Regulations (Northern Ireland) 1989 will contribute towards streamlining the Health and Safety legislative framework. There will also be ongoing annual benefits to industry from the reduction in materials they need to be familiar with. An Impact Assessment (see Annex 2) prepared by HSE in respect of the combined proposals to revoke the equivalent Regulations in Great Britain and replace the existing ACOP with the simplified and streamlined ACOP indicated that the ongoing benefits from the proposals would as a minimum mitigate any one off costs associated with the changes, thus providing a zero net cost. There is no reason to conclude that the position will be different in Northern Ireland.

EQUALITY IMPACT

17. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. A copy of the screening document is at Annex 3.

INVITATION TO COMMENT

18. HSENI would welcome your comments on the proposal, by HSENI that the HSE ACOP “Safety in Docks ” should be approved for use in Northern Ireland. Comments are particularly welcome on the assumptions relating to costs and benefits relevant to Northern Ireland, and the conclusion that the proposals would have no adverse effect on any section 75 groups.
19. Comments, in whatever format you choose to use, should be sent to: -

Mr Jim Sisk
Health and Safety Executive for Northern Ireland

83 Ladas Drive
Belfast BT6 9FR
(Tel: 028 9054 6816; Fax: 028 9054 6811; Textphone: 028 9054 6896
E-mail: jim.sisk@hse.gov.uk)

so as to arrive not later than **noon on 7 July 2014**.

20. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the office of HSENI at the above address after the close of this consultation period, where they can be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on confidentiality in relation to your response to this consultation.
21. The Environmental Information Regulations 2004 and the Freedom of Information Act 2000 give the public rights of access to information held by a public authority, namely, HSENI in this case. These rights of access to information include information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
22. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

April 2014

Health and Safety Executive
for Northern Ireland

Safety in docks

Approved Code of Practice and guidance

This Approved Code of Practice and guidance applies from 6 April 2014, subject to approval by the Secretary of State.

This Approved Code of Practice and guidance covers safety in dock 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 dock premises, suppliers of plant and equipment, dock employers, managers, safety officers, safety representatives and workers.



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Draft First edition published 2013

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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

1 This publication contains an 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 that are specific to the docks industry. It also provides details of relevant guidance that has been developed by the Health and Safety Executive (HSE), Ports Skills and Safety (PSS), Unite the Union and others to help employers, employees and the self-employed comply with the law. It does not introduce any new requirements for dutyholders.

2 This ACOP only addresses some specific dock-related issues and complying with this ACOP alone will not be sufficient to fulfil your full duties under health and safety law. You will also need to refer to other ACOPs and Regulations for more general matters.

Who needs to read this

3 The HSW Act and its relevant statutory provisions cover the safety of anyone at work while they are in Great Britain, or engaged in certain other activities in the territorial sea. Regulations under the HSW Act do not generally apply to the master and crew of a ship carrying out shipboard activities. However, masters do have duties under the HSW Act when ships' crew work alongside shore-based personnel on the ship, or when ships' plant, eg a lift truck, is used ashore.

Content and scope of this ACOP

4 The ACOP provides practical guidance on sections 2, 3, 4, 7 and 8 of the HSW Act in respect of some of the work activities carried out in docks. These set out the basic requirements to ensure, so far as reasonably practicable, the health, safety and welfare of all involved. In docks employers, employees and others need to comply with these and a number of other sets of Regulations made under the 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 docks, as they would apply in other places of work. Examples of regulations which also apply to work carried out in docks include:

- Management of Health and Safety At Work Regulations 1999 (the Management Regulations)
- Workplace (Health, Safety and Welfare) Regulations 1992 (the Workplace Regulations)
- 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)
- Control of Substances Hazardous To Health Regulations 2002
- Safety Representatives and Safety Committees Regulations 1977
- Health and Safety (Consultation with Employees) Regulations 1996

5 Some of these Regulations have associated ACOPs and it is important that dutyholders refer to these as well as this ACOP when considering their duties under health and safety law. This ACOP only provides preferred or recommended methods of compliance for some of the work practices which are specific to docks.

6 In situations where regulations made under the HSW Act do not apply on ships, equivalent duties are specified under Merchant Shipping and Fishing Vessel Regulations.

7 This ACOP only applies to duties under the HSW Act. Other non-HSW regulations may also apply to work in docks, including the Working Time Regulations 1998, though these are not covered by this ACOP.

Summary of change

8 The Docks Regulations 1988 were revoked in April 2014 because the duties had been replaced by equivalent requirements in more modern legislation. Some of the guidance with ACOP status has been transferred from HSE's *Safety in docks: Docks Regulations 1988: Approved Code of Practice with Regulations and guidance* publication (COP25).

9 The main changes in the remaining ACOP material are as follows:

- References to duties in the Docks Regulations 1988 have been removed.
- Some guidance has had its ACOP status removed because it is no longer comparable with more modern regulations or because it already exists in ACOPs for the various Regulations referred to in this document.
- There is a consequential amendment to the WAHR to provide an exemption for fencing at straight and level quaysides.

About ACOPs

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

11 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 and relevant statutory provisions. 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.

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

13 The ACOP text is set out in **bold** and the accompanying guidance in normal type. A coloured border also indicates each ACOP section clearly.

Terms used in regulations and ACOP/guidance

14 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.

Managing for health and safety in docks

15 Organisations have a legal duty to put in place suitable arrangements for managing health and safety. The keys to effectively managing for health and safety are:

- leadership and management (including appropriate business processes); and
- a trained/skilled workforce; operating in
- a safe working environment where people are trusted and involved.

16 All of these elements are vital and need to be underpinned by an understanding of the profile of risks that the organisation creates or faces.

17 A formal management system or framework can help employers to manage health and safety. Organisations can decide whether to use one or not, but whatever approach is used is likely to contain the steps Plan, Do, Check, Act which are advocated in *Managing for health and safety* HSG65.

18 The Department for Transport's *Port Marine Safety Code*, which applies to all harbour authorities in the UK that have statutory powers and duties, requires a similar approach. It applies the principles of risk assessment and safety management systems to port marine operations.

19 Particular challenges for effective management of health and safety within the docks industry include:

- the number of different employers and/or contractors who can all affect each other's activities. These may include harbour authorities, dock operators, stevedoring firms, hauliers, ships' masters and crew;
- the changing nature of docks as workplaces. This may be due to tidal movements, weather and timing issues;
- the use of temporary workers who may be less familiar with the dock environment than permanent employees. Employer's duties to protect the health, safety and welfare of workers are the same whether they are full-time, part-time, permanent, non-permanent or temporary. This includes workers who are on short-term contracts or rolling contracts;
- the need to board ships and use ships' equipment. Workers should not be allowed to work in an area of a ship that is unsafe until it has been made safe or a safe method of work is in place. If dock workers are using ships' equipment then their employer must ensure that this is safe. This may require the employer to check the equipment and ships' documentation;
- the presence of members of the public who visit dock premises. These may be either passengers or users of public rights of way. These people are more vulnerable as they may be unfamiliar with the premises and/or hazards;
- the need to converse with ships' crew and other parties, eg hauliers, whose first language may not be English.

Legal duties for managing health and safety at work

20 The Management Regulations require employers to put in place arrangements to control health and safety risks. As a minimum, employers should have:

- a written health and safety policy (for employers of five or more people);

- assessments of the risks to employees, contractors, customers, partners, and any other people who could be affected by those activities – and record the significant findings in writing (for employers of five or more people). Any risk assessment must be ‘suitable and sufficient’;
- arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures that come from risk assessment;
- access to competent health and safety advice;
- arrangements to provide health surveillance where appropriate;
- arrangements to provide employees with information about the risks in the workplace and how they are protected;
- arrangements to provide instruction and training for employees in how to deal with the risks;
- arrangements to provide adequate and appropriate supervision;
- arrangements to consult with employees and their representatives about the risks at work and current preventive and protective measures.

Responsibilities of specific organisations

21 In addition to the general duties outlined in paragraph 20, organisations may have additional specific duties dependent on their role. The primary legal duties are placed on the employer(s) of those working in the dock and those in control of the premises and activities carried out. The following categories of organisations may have specific responsibilities, the extent of these will be determined by the exact circumstances.

Organisations with landlord duties, eg harbour authorities and/or dock operators

22 Additional duties may include:

- ensuring that premises are provided in a structurally safe and fit-for-purpose condition;
- passing on any relevant health and safety information about the premises to others;
- identifying areas where specific personal protective equipment (PPE) 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.

23 A good way of exercising control over competence on the premises is to operate a health and safety passport scheme for dock operatives.

Organisations operating within the dock, eg dock operator, stevedores, terminal operator and warehouse operator

24 Additional duties may include:

- ensuring that all workers, whether employees or employed through someone else, are properly trained;
- if organisations exercise some control over other employers and their employees on parts of their premises, they will have some responsibility to make sure that these people are not endangering others in these areas, including monitoring working hours and fatigue;

- co-operating with other employers.

Labour suppliers

25 Additional duties may include:

- where required, co-operate with the client organisation to agree who will take responsibility for what, and make sure that the worker also knows the position;
- labour suppliers still have responsibility for their employees' health and safety if they are working at someone else's premises and/or under someone else's direct day-to-day control, including monitoring working hours and fatigue.

Ships' masters and shipping agents

26 Additional duties may include:

- ensuring that any contractors that are used are controlled, eg stevedores contracted to load ships' cargo;
- where a ships' master provides a place of work and or equipment for others to use (such as workers employed by the dock operator or a stevedore) then, so far as reasonably practicable, these should be safe and without risks to health.

Other organisations

27 Other organisations will include mooring crews, delivery drivers, enforcement agencies, representatives from clients and customers etc.

28 Additional duties may include:

- what the organisation does is likely to affect others in the dock area, and vice versa. As such, co-operation is essential to minimise health and safety risks;
- not entering areas where authorisation has not been given.

ACOP 29 **Where shore-based employees go aboard ship, all dutyholders involved, including the ship's master, should collaborate with one another to ensure that their respective duties are discharged.**

30 Where work involves more than one party, eg when loading a vessel, it is important that everyone agrees an overall plan for the work so that everyone knows what they are doing. Unless very simple, this plan should be written down and explained to the workers involved. The plan should cover:

- the responsibilities of each party;
- how each party will do its part;
- how the different parties will interface;
- common issues and arrangements, eg for emergencies;
- how the work will be co-ordinated and controlled.

31 In some operations, such as ro-ro (roll-on, roll-off) movements, control may be with either shoreside management or the ships' master or, in some instances, both. In such cases, collaboration is required to avoid confusion and ensure that clearly defined procedures are followed.

Core elements of managing for health and safety

32 All organisations have management processes or arrangements to deal with payroll, personnel issues, finance and quality control – managing health and safety is no different.

33 Whatever the industry, or the size or nature of an organisation, the core elements to effectively managing for health and safety are:

Leadership and management

34 Leaders, at all levels, need to understand the range of health and safety risks in their part of the organisation and to give proportionate attention to each of them. This applies to the level of detail and effort put into assessing the risks and the effort put into implementing controls, supervising and monitoring.

More advice on leading and managing for health and safety: www.hse.gov.uk/managing/leading.htm

A competent workforce

35 The competence of the workforce is vital, whether they are employees, managers, supervisors or contractors. It ensures they recognise the risks in their activities and can apply the right measures to control and manage those risks.

More advice on competence: www.hse.gov.uk/managing/competence.htm

An environment where people are trusted and involved

36 At its most effective, the full involvement of the workforce creates a culture where relationships between employers and employees are based on collaboration, trust and joint problem solving.

37 This is where employees and their representatives are involved in assessing workplace risks and the development and review of workplace health and safety policies in partnership with the employer.

More advice on worker consultation and involvement: www.hse.gov.uk/managing/worker.htm

Delivering effective arrangements: the Plan, Do, Check, Act approach

38 Managing health and safety can rarely be achieved by one-off interventions. A sustained and systematic approach is necessary. While this may not always require a formal health and safety management system, whatever approach is used it probably contains the steps **Plan, Do, Check, Act**.

PLAN

39 **Determining policy** – think about what could be done to manage health and safety, and then decide who is going to do what and how.

40 **Planning for implementation** – planning is essential for the implementation of health and safety policies. Adequate control of risk can only be achieved through co-ordinated action by all members of the organisation.

DO

41 **Identify the organisation's health and safety risks** – assess the risks, identify what could cause harm in the workplace, who it could harm and how, and what will be done to manage the risk. Assessments should also consider the ergonomics of work processes and tasks, and the organisation of work. Within a dock environment, there are often a number of different parties who can all affect and be affected by one another's activities. Ongoing maintenance requirements should also be considered as part of this, eg maintenance of cranes, quayside ladders and rescue equipment.

42 **Organising for health and safety** – this covers activities in four key areas that together promote positive health and safety outcomes, ie controls, co-operation, communication and competence:

(1) **Controls within the organisation** – this will include:

- role of supervisors;
- systems for managing contractors.

(2) **Co-operation** – this is needed:

- between workers, their representatives and managers through active consultation and involvement.

43 Employers have a legal duty to consult with their employees, or their representatives, on health and safety matters including:

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

44 Active consultation and involvement of employees and their health and safety representatives is essential to good health and safety management.

45 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

46 Consultation should take place in good time on health and safety matters. In workplaces where the trade union is recognised, this will be through union appointed health and safety representatives. In non-unionised workplaces employers can consult employees either directly or through other elected representatives. In workplaces where there are unionised and non-unionised employees, employers must consult with both.

47 Involving employees and their safety representatives when carrying out and reviewing risk assessments is a good way of helping to manage health and safety risk.

48 Consider asking employees what they think the hazards are, as they may notice things that are not obvious and often have good, practical ideas on how to control the risks. Employees are more likely to understand and adopt controls for risks if they have been actively involved in reaching these decisions.

(3) **Communication** – to achieve success in health and safety management, there needs to be effective communication throughout each organisation, and with other relevant parties.

49 Cooperation and communication are vital within the dock industry due to the number of parties that are often involved in the work activity and the ever-changing circumstances.

(4) **Competence** – this includes capabilities training and experience – helping people to gain the skills and knowledge and ultimately competence to carry out their work safely and without risk

to their health. Further guidance on training within the industry can be obtained from the relevant trade associations and trade unions.

50 **Implement the plan:**

- Decide on the preventive and protective measures needed and put them in place.
- Provide the right facilities and equipment to do the job and keep them maintained.
- Inform, train and instruct, to ensure everyone is competent to carry out their work.
- Supervise to make sure that arrangements are followed.

CHECK

51 **Measure performance** – make sure that plans have been implemented and assess how well risks are being controlled.

52 **Investigate the causes of accidents, incidents or near misses.** An investigation can help to identify why the existing risk control measures failed and what improvements or additional measures are needed.

ACT

53 **Review performance** – learn from accidents and incidents, ill-health data, errors and experience.

54 **Take action on lessons learned, including from audit and inspection reports.**

Find out more

Legislation

Management of Health and Safety at Work Regulations 1999
www.legislation.gov.uk/ukxi/1999/3242/made

Safety Representatives and Safety Committee Regulations 1977
<http://www.legislation.gov.uk/ukxi/1977/500/contents/made>

Health and Safety (Consultation with Employees) Regulations 1996
www.legislation.gov.uk/nisr/1996/511/contents/made

Working Time Regulations 1998
www.legislation.gov.uk/ukxi/1998/1833/contents/made

HSE guidance

Managing for health and safety HSG65 www.hse.gov.uk/pubns/books/hsg65.htm

Managing shift work: Health and safety guidance HSG256 HSE Books 2006 ISBN 978 0 7176 6197 8
www.hse.gov.uk/pubns/books/hsg256.htm

Investigating accidents and incidents: A workbook for employers, unions, safety representatives and safety professionals HSG245 HSE Books 2004 ISBN 978 0 7176 2827 8
www.hse.gov.uk/pubns/books/hsg245.htm

Involving your workforce in health and safety: Good practice for all workplaces HSG263 HSE Books 2008 ISBN 978 0 7176 6227 2 www.hse.gov.uk/pubns/books/hsg263.htm

Workplace health, safety and welfare: A short guide for managers Leaflet INDG244(rev2) HSE Books 2007 www.hse.gov.uk/pubns/indg44.htm

HSE web pages

Health surveillance

www.hse.gov.uk/health-surveillance/

Risk assessment

www.hse.gov.uk/risk/

Competence in health and safety

www.hse.gov.uk/competence/

Leading in health and safety

www.hse.gov.uk/leadership/

Worker involvement

www.hse.gov.uk/involvement/

Joint PSS/HSE guidance

SIP013 *Guidance on Managing of Non-Permanent Employees* (in preparation)

www.portskillsandsafety.co.uk/publications?tid=58&keys

Other sources of information

Port Marine Safety Code Department for Transport

www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/mcga-shipsregsandguidance/navigation/dms-nav-pmsc-gtgp.htm

Workplace transport

55 Every year accidents involving transport result in people being killed or seriously injured. People fall off vehicles, or are struck or crushed by them. Many different people drive in docks – this includes drivers from a number of different employers and members of the public. Not all of these drivers will be familiar with the dock environment.

56 Typical workplace transport hazards in docks include:

- movement of vehicles and other plant on and around the dock;
- loading and unloading of vehicles;
- unsecured loads on vehicles;
- trailer coupling and uncoupling in the dock and on the ship;
- unsegregated vehicle/pedestrian access, eg ro-ro bridges and vessel ramps;
- reversing vehicles throughout the dock including adjacent to open quay edges;
- movement of vehicles in cargo storage areas, vehicle parks, ships' holds and quaysides;
- use of vehicles with limited visibility, including straddle carriers and reach stackers.

57 To manage workplace transport risks in docks effectively everyone involved should work together when considering the following three areas:

- Safe site – design and activity
- Safe vehicle
- Safe driver

Safe site – design and activity

ACOP

Pedestrian walkways on shore

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

Vehicle access to ships

59 Ramps used by vehicles should not also be used 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.

60 A suitable and safe traffic movement system, appropriate to the circumstances, which includes the regulation of traffic between ship and shore, should be set up and adequately supervised and monitored.

Vehicle movements

61 In areas where ships are loaded or unloaded, vehicles should

avoid manoeuvring close to unprotected quay edges.

62 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.

63 Vehicles that are not involved in dock operations should not be admitted to areas where loading or unloading is taking place, except in emergency, or in exceptional circumstances or for law enforcement agencies to carry out their duties.

Suitability of structures for use by vehicles

64 Structures used by vehicles should be of adequate strength to be used safely.

65 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.

66 Vehicles should not be used on any hatch covering on a ship (unless the hatch is specifically designed for that purpose) without the authority of the ships' master or their authorised and competent representatives.

Load securing

67 Loads should be adequately secure on a lorry or trailer. In the case of containers, twistlocks or guides should be used.

68 Where containers or other loads are moved from the loading position to a safe area nearby in the dock to be adequately secured, the control measures necessary to ensure the safety of workers and other affected parties in the vicinity should be identified through risk assessment.

69 All parties involved in the loading of vehicles should co-operate to ensure that the load is safe to be moved from the loading position.

Drivers in cabs

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

Pedestrian/vehicle segregation

71 Every workplace should be safe for the people and vehicles using it.

72 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.

- 73 Where pedestrians are required to enter a high-risk area (eg cargo handling area for a particular task) then additional control measures (eg a safe system of work) may be required.
- 74 All vehicle and pedestrian traffic routes should be clearly marked and signs clearly visible. Appropriate crossing points should be provided where pedestrians and vehicles meet.
- 75 Haulage drivers should remain in a safe area while their vehicles are being loaded and unloaded. The location of the safe area will depend on individual circumstances although in some instances this may be within the actual vehicle cab.

Vehicle movements

- 76 Appropriate road signs and markings should be provided.
- 77 Appropriate speed limits around site should be set and drivers should be given instructions about safe speeds.
- 78 Establish and enforce site rules and provide these to visiting drivers.
- 79 Avoid reversing where possible.
- 80 Where lift trucks need to be used on board ship, unless the operating surface is sufficiently strong, level and well made, it may be necessary to provide a suitable surface that covers a sufficient area for the truck to carry out necessary manoeuvres.
- 81 Where the driver's view is incomplete, and the vehicle could move in a way such that the driver can not see the path of travel of their vehicle, then a system of work should be developed to enable them to operate safely.
- 82 Consider the application of Road Traffic Act and other relevant legislation, such as dock byelaws.

Safe vehicle

ACOP

Brakes

- 83 **When the driver is out of the cab, the vehicle parking brake must be applied in all cases.**
- 84 **Some roll trailers used in dock premises are not fitted with brakes by the manufacturer and are not designed to be so fitted. 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.**

Parking

- 85 **Vehicles should be securely parked with brakes applied or otherwise secured where appropriate.**

Maintenance

- 86 **For certain categories of vehicle which are intended to be driven in dock premises but which do not form a part of dock operations (eg vehicles being imported or exported), the person in control of the supply of the vehicles (eg the manufacturer or shipping agent) has a duty to ensure such vehicles are maintained in a safe condition. The duty of the dock operator in relation to such vehicles (as regards**

whether any particular vehicle is safe to move) is limited to matters within their control.

87 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.

Refuelling

88 Safe arrangements should be made for refuelling vehicles, particularly on freight decks or in ships' holds.

89 Vehicles should be safe, suitable for the purpose for which they are used, regularly maintained, repaired and inspected.

90 All vehicles should be provided with suitable and sufficient lighting for the task and location.

91 Appropriate control measures which may include audible and visual reversing aids (such as CCTV, proximity sensors, reversing alarms etc) should be identified through risk assessment.

92 Provide well-constructed steps or ladders, non-slip walkways and guard rails where possible to reduce the risk of falling when people have to climb onto a vehicle or trailer.

93 Lifting attachments for lift trucks (eg reel clamps) should be used in line with manufacturers' recommendations to ensure that all loads lifted are secure.

94 Vehicles should be fitted with seatbelts if either used on the road or deemed necessary by risk assessment. A seatbelt will be required where roll-over protective structures (ROPS) are fitted. Where seatbelts are provided, they should be used, unless the risk determines their use unnecessary or inappropriate. When seatbelts are required, their use should be monitored.

95 Where fitted, trailer parking brakes must be used unless there are circumstances where the application of the brake may increase the risk of injury to dock staff and collecting/delivering drivers. In these circumstances, the cargo handler should undertake a comprehensive assessment of the risks of the activity to ensure that adequate control measures are in place. Key points to consider include:

- design of trailer park (layout, surface condition, gradient, size of bays, backstops);
- instructions to workers and visiting drivers;
- control of pedestrians; and
- general site rules.

Load securing

96 It is important to differentiate between the two stages of a journey:

- (1) the initial transfer of a load (ie from the loading/unloading position to a safe area nearby for proper securing); and
- (2) the onward journey from that safe area (eg a road journey for delivery or to storage).

97 No matter how short a journey to/from the quayside, the load must be appropriately secure. However, it is recognised that there is a risk associated with personnel having to strap loads and apply twistlocks in cargo handling areas. The extent to which the load needs to be secured for the

initial transfer stage along with other control measures required should be determined through an assessment of the risks.

98 Factors to consider will include:

- type of load (eg bulk, bundled etc);
- stability of load;
- method of stacking;
- type of vehicle;
- length of journey;
- road surface;
- vehicle speed;
- weather conditions.

99 Possible control measures may include:

- containment of the load using stanchions, chocks, or blocks;
- controlling pedestrian access to the vicinity.

100 All parties involved in the loading and unloading of vehicles should co-operate to ensure that foreseeable risks are identified and appropriate control measures are identified and used.

101 For the onward journey the load should be properly secured to the lorry or trailer.

102 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.

Safe driver

ACOP

103 **Employers who authorise their employees to drive vehicles or operate lifting equipment should keep and maintain records, which are readily accessible at all times to the relevant person, which should take the form of a list of employees and the vehicle and lifting equipment 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.**

104 **Authorised drivers and operators on dock premises should be monitored to ensure that they remain fit and competent for the tasks and activities they carry out.**

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

Safe driver

106 All drivers should be fit, authorised and competent to operate all the vehicles they use at work.

107 Drivers should follow safe working practices.

- 108 Employers should monitor these practices.
- 109 Drivers should be made aware of their own health and safety responsibilities including informing employers of medical conditions that impair their ability to drive.
- 110 Drivers should be provided with the correct PPE.
- 111 Drugs mentioned above will include prescription drugs where they impair the employee's ability to drive or operate equipment.

Find out more

HSE ACOPs and guidance

Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22 (Third edition) HSE Books 2008 ISBN 978 0 7176 6295 1
www.hse.gov.uk/pubns/books/l22.htm

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and guidance L24 (Second edition) HSE Books 2013 ISBN 978 0 7176 6583 9 www.hse.gov.uk/pubns/books/l24.htm

Rider-operated lift trucks: Operator training and safe use. Approved Code of Practice and guidance L117 (Third edition) HSE Books 2013 ISBN 978 0 7176 6441 2
www.hse.gov.uk/pubns/books/l117.htm

Workplace transport safety: An employers' guide HSG136 HSE Books 2005 ISBN 978 0 7176 6154 1
www.hse.gov.uk/pubns/books/hsg136.htm

HSE web pages

Ports

www.hse.gov.uk/ports/index.htm

Workplace transport

www.hse.gov.uk/workplacetransport/

Trailer coupling and uncoupling

www.hse.gov.uk/workplacetransport/information/coupling.htm

Work-related road safety

www.hse.gov.uk/roadsafety/

Load safety

www.hse.gov.uk/loadsafty/

Joint PSS/HSE guidance

SIP001 *Guidance on Workplace Transport: Port and Terminal Planning*
www.portskillsandsafety.co.uk/publications/sip001_guidance_on_workplace_transport_port_terminal_planning_issue_1

SIP010 *Guidance on Workplace Transport (Ro-Ro and Sto-Ro Operations)*
www.portskillsandsafety.co.uk/publications/sip010_guidance_workplace_transportro_ro_and_sto_ro_operations_issue_1

SIP012 *Passenger Operations* (in preparation)
www.portskillsandsafety.co.uk/publications?tid=58&keys=

Other sources of information

Roll-on/Roll-off – Stowage and securing of vehicles: Code of Practice Maritime and Coastguard Agency

www.dft.gov.uk/mca/ro-ro_stowage_securing_of_vehicles_cop.pdf

Safety of loads on vehicles Department for Transport

www.dft.gov.uk/pgr/roads/vehicles/vssafety/safetyloadsonvehicles.pdf

Load safe, road safe – A professional driver's guide to safe loading and transport Health and Safety Laboratory

www.hsl.gov.uk

Transport Safety – An Operator's Guide to Safe Loading and Transport Health and Safety Laboratory

www.hsl.gov.uk

Working at height

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

113 Many of the activities carried out in docks could lead to a fall from height. These activities may be during routine operations, maintenance activities or unexpected or unplanned activities. In docks, the added hazard of working near water means a fall may lead to the risk of drowning.

114 Typical falls from height hazards in docks include:

- access to and from vessels by accommodation ladders, quayside ladders and gangways;
- container working – lashing and unlashings;
- loading and unloading some types of cargo, such as pipework, timber packs etc, can result in open edges from ships' decks, and from the cargo itself;
- access to and from places of work onboard vessels (holds, hatches, decks etc);
- falls from vehicles and trailers during loading/unloading and sheeting;
- maintenance and unplanned work;
- working adjacent to open edges of docks, wharves etc;
- falls from plant and machinery;
- mooring points (eg 'dolphins').

115 Before any work is carried out at height the risk should be determined and appropriate control measures put in place.

Access to ships

ACOP

116 **Access should generally be provided by the ship's accommodation ladder or by the ship's gangway in accordance with the Merchant Shipping (Means of Access) Regulations.**

117 **Accommodation ladders or gangways should be properly rigged and secure. All necessary facilities and arrangements should be provided on shore to enable this to be done.**

118 **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 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.**

119 **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.**

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

121 **Where means of access passes over water and there is a**

significant risk of a person falling into the water and drowning from or at either end of the means of access, or from the quayside or ships' deck immediately adjacent to the means of access, suitable safety nets should be securely rigged to minimise this risk. Suitable and sufficient attachment points for nets should be provided.

122 A safe means of access to workplaces and working positions should be provided. This includes access on to plant onshore, afloat and to ships and ships' holds.

123 Where such access is provided by the ship, the shoreside employer should also ensure that it is safe for their employees to use.

124 Where access is provided by the shore, the duty to rig and maintain access remains with the person providing it.

125 If a gangway or other physical means of access is lent or loaned by a shoreside employer to the master for use as ships' equipment, then access will be deemed to have been provided by the ship, and the rigging and maintenance of that access will fall to the ships' master. The shoreside supplier still retains a duty under section 6 of the HSW Act to supply the equipment in a safe condition.

126 Other risks to consider include:

- prevailing environmental conditions (eg high winds, rain, snow, poor visibility etc) that may present additional hazards when working at height;
- changes to cargo condition;
- cargo movement;
- vessel movement due to tide, loading or unloading.

127 Consider emergency evacuation and rescue procedures, for example where a person works in an isolated position such as a deep cargo hold or a crane cab. See chapter 'Emergency planning' for more detail.

Access between ships

ACOP

128 **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.**

129 **Pilot ladders should only be used to provide access between a ship with high freeboard and a barge or similar ship with low freeboard.**

130 A safe means of access to workplaces and working positions should be provided.

131 Pilot ladders should only be used in exceptional circumstances where no other practicable means of access are possible. Ladders should be secured so that they are firmly held against twist, turnover or tilt.

132 Consider emergency evacuation and rescue procedures.

133 Other risks to consider include extreme weather (eg high winds, rain, snow, poor visibility etc) that may present additional hazards when working at height.

Cargo

ACOP

134 No ships' hold should be left open for dock operations for longer than is required.

135 Except where adequate precautions have been taken to prevent injury, no work should be performed adjacent to an open edge or hatchway if the work involves someone being in a position where they could fall or be struck by a falling object.

136 Where cargo is built up in the hold or on deck and there is a risk of people falling or being struck by moving cargo, suitable safety measures should be taken to protect them against such a fall or being struck by moving cargo.

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

How the risks can be reduced

138 All work at height should be properly planned and organised.

139 Use risk assessment as a means of identifying and determining the safe distance from open edges.

140 When loading or unloading cargo, risk assessment will determine if safe by virtue of position away from any open edge is an appropriate control measure. In certain circumstances, this may only be adequate when used in conjunction with other control measures such as soft landing systems.

141 Workers involved in work at height should be competent.

142 Avoid work at height where possible, for example working from the ground using a long-handled tool.

143 If work at height cannot be avoided, use work equipment or other measures to prevent falls, eg guardrails, mobile elevating working platforms (MEWPs).

144 Select and use suitable work equipment which may include container top safety frames and restraint devices.

145 Equipment for work at height must be properly inspected and maintained.

146 Where access to the workplace requires a worker to pass over cargo, then a safe means of access must be provided.

147 A safe means of access to workplaces and working positions should be provided. This includes access on to plant onshore and to ships and ships' holds.

148 If there is still a risk of falls, use work equipment that minimises the distance and consequences of a fall, eg nets, airbags, fall arrest systems.

149 Adverse weather may pose additional hazards that should be taken into account.

Fencing at dock edges

ACOP

150 Except for straight and level quaysides, fencing should be provided at all dock, wharf, quay or jetty edges from which people may fall

into water, and where 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.

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

152 These provisions do not apply to areas where there is no work activity being undertaken, subject to any foreseeable risk to members of the public.

153 Secure and adequate fencing should be provided where risk assessment has found this to be needed.

154 Particular consideration should be given to:

- every break, dangerous corner and other part or edge of a dock, wharf, jetty or quay;
- open sides of a gangway, footway over a bridge, caisson or dock gate; and
- any other place where someone working or passing might fall.

155 Secure fencing should consist of an upper rail and an intermediate rail. In certain circumstances, eg the presence of children, a higher standard of protection will be required. The rails may where necessary consist of taut wire, taut chain or other taut material.

156 Where the work involves being within 1 m of an unprotected quay edge, people should wear suitable PPE, eg lifejackets or buoyancy aids.

157 Dock premises should be provided with adequate and suitable rescue and lifesaving equipment and means to escape from danger, eg handholds on the quayside at water level, ladders on quay walls and life-saving appliances.

158 Take into account the risks to lone workers.

159 Take into account the risks to members of the public where public access is possible or foreseeable, even if there is no dock work activity being undertaken (to comply with section 3 of the HSW Act).

Find out more

Legislation

Work at Height Regulations 2005 (as amended)
www.legislation.gov.uk/ukxi/2005/735/schedule/3/made

Merchant Shipping (Means of Access) Regulations 1988
www.legislation.gov.uk/ukxi/1988/1637/contents/made

HSE guidance

The Work at Height Regulations 2005 (as amended): A brief guide Leaflet INDG401(rev1) HSE Books 2007 www.hse.gov.uk/pubns/indg401.htm

HSE web pages

Ports
www.hse.gov.uk/ports/index.htm

Falls from height
www.hse.gov.uk/falls/

Joint PSS/HSE guidance

SIP002 *Guidance on General Cargo*
www.portskillsandsafety.co.uk/publications/sip002_general_cargo_health_and_safety_in_ports_guidance

SIP003 *Guidance on Container Handling*
www.portskillsandsafety.co.uk/publications/sip003_container_handling_health_and_safety_in_ports_guidance

SIP005 *Guidance on Mooring*
www.portskillsandsafety.co.uk/publications/sip005_mooring_health_and_safety_in_ports_guidance

SIP014 *Access* (in preparation)
www.portskillsandsafety.co.uk/publications?tid=58&keys=

Other sources of information

Code of Safe Working Practices for Merchant Seamen Maritime and Coastguard Agency/Department for Transport
www.dft.gov.uk/mca/coswp2010.pdf

Port Marine Safety Code Department for Transport
www.gov.uk/government/publications/port-marine-safety-code

Code of Practice for the Safe Mooring of Vessels on the Thames Port of London Authority
www.pla.co.uk/Safety/Code-of-Practice-for-the-Safe-Mooring-of-Vessels-on-the-Thames

Code of Practice on safety and health in ports (ILO152) International Labour Organisation
www.ilo.org/public/libdoc/ilo/2005/105B09_39_engl.pdf

Also refer to the 'Slips and trips' chapter of this publication

Lifting operations

160 Loading and unloading at docks 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 create significant risks to people working in the area.

161 Typical hazards from lifting operations include:

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

Planning and organising lifting operations

ACOP

162 **Where 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.**

163 **A safe system of work for lifting operations 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.**

164 **Where two or more items of lifting equipment are working the same ship, additional control methods will be required.**

165 **Operations which include the use of ships' equipment or plant must be planned and executed safely. Dutyholders should make pre-use checks concerning the safety of the plant, so far as it is within their control. In particular, before any employer of shore workers authorises their employees to use ships' equipment and accessories, they should arrange for it to be checked before use, and check any associated certificates of test or thorough examination.**

166 **Walkways leading to ships should wherever practicable reach the ships' access without having to pass beneath overhead operations.**

167 **Loads should not be placed on hatch coverings, unless specifically designed for that purpose, without the authority of the ships' master or their authorised/competent representatives.**

168 When planning and organising lifting operations, ensure employees and supervisors are trained, competent and experienced in safe lifting operations.

169 Ensure lifting plans address the foreseeable risks involved in the lifting operation and identify contingencies, eg:

- shifted loads;
- changes to the centre of gravity of the load;
- jammed containers or failure of twistlocks;
- bad weather;

- movement of the ship, eg when carrying out tandem or simultaneous lifts.

170 Items with a centre of gravity significantly away from their apparent centres in any plane should be appropriately marked to facilitate safe slinging, lifting and securing.

171 Operational procedures should include means for establishing the gross weight of each load to be lifted. Where reasonably practicable, this information should be marked on the load together with any other information necessary for its safe handling.

172 Lifting equipment must be suitable for the proposed use, including any unexpected forces to which the lifting equipment might be subjected. The equipment used should provide an appropriate 'factor of safety' against foreseeable risks, particularly where people are being lifted.

173 Take all practical steps to avoid people being struck by loads or lifting equipment and minimise the need to lift over people. Lifts should not take place over areas where people are likely to be working or passing where this can be avoided. Loads should not be suspended over occupied areas.

174 Where these situations cannot be avoided, the risks to people must be minimised by safe systems of work and appropriate precautions. Where loads are suspended, the area below them should be classed as a hazard zone and access restricted.

175 No hold should be left open for dock operations for longer than is required.

176 Operational procedures should include adequate arrangements for landing cargo and for storage of goods including safe stacking. Goods should be stowed on board ship in such a way that they do not obstruct any regular means of access unless an alternative means of access is provided.

Use of lifting equipment

ACOP

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

178 Crane rails should generally be straight, and should be provided with suitable crane arresting devices, including end stops, which should be properly maintained.

179 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; 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.

180 Cranes 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, actual wind speed.

181 Lifting operations should be stopped if wind conditions make it unsafe to continue them.

182 For rail-guided lifting equipment, always ensure that there are facilities to minimise the consequences of collision, where there is more than one rail-mounted item in motion at the same time. Adequate devices should be provided for braking and stopping in the event of emergency or failure.

183 Always use suitable lifting equipment to securely lift cargo. Lifting equipment and accessories should be suitable for their intended use, eg paper reels should be handled with equipment such as reel clamps.

184 If a ships' lifting equipment is to be used, ensure that it is suitable and subject to a pre-use examination. Check the ships' documentation of thorough examination.

185 Cargo handling equipment, for example a forklift truck, that is lifted on to or off ships by crane or derrick should be provided with suitable points for the attachment of lifting gear. Such equipment should be marked with its gross weight.

186 Tank containers should not be lifted directly with the forks of forklift trucks, because of the risks of instability and of damaging the container with the ends of the forks. Tank containers may be lifted using forklift 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.

187 The following also need to be considered:

- impact of climatic conditions, eg high winds, ice or unduly cold or hot weather, on the performance of lifting equipment and accessories;
- mist, fog and other conditions that reduce visibility;
- the impact of the prevailing weather on people involved in the lifting operation (crane driver, slinger, banksman etc).

Lifting equipment used for lifting people

ACOP

188 **If lifting people cannot be avoided, then lifting plant used for raising or lowering people should include:**

- **a suitable platform or cage of good construction, sound material and adequate strength, which is properly maintained;**
- **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;**
- **an adequate secure foothold and handhold for someone travelling on the platform or cage;**
- **arrangements to prevent the platform or cage tipping or spinning in a manner dangerous to any occupant, or from becoming accidentally displaced.**

189 When lifting people, ensure that the correct type of equipment is used for the task and that it provides an appropriate 'factor of safety' against foreseeable risk.

190 Specially designed equipment for lifting people should be used where possible. The use of lifting equipment which has not been specifically designed for lifting people should only occur in exceptional circumstances (eg for rescue purposes). In these cases, additional safety precautions may need to be taken.

191 Lifting equipment used to lift people should be thoroughly examined at six-monthly intervals, or in accordance with the examination scheme.

Maintenance of lifting equipment and accessories

ACOP

192 **The employer should check the condition of all lifting equipment and accessories so far as reasonably practicable to do so, and consider the use to which they are to be put.**

193 **This applies to all lifting equipment and accessories including multi-trip and one-trip slings, intermediate bulk containers (IBCs) and**

also rope, webbing or chains used in pre-slung loads.

194 So that the shoreside employer may comply with their obligations, they should provide and maintain a system of work which in the case of wire rope slings includes checking the test certificates for the wire rope from which the slings were made, where these are available. Where they are not available, the employer should, where possible, otherwise verify that a test has been carried out.

195 One-trip slings should be disposed of at the end of the trip and should never be reused.

196 Lifting appliances should not be used to drag loads.

197 All lifting equipment and accessories should be inspected and examined by suitably trained and competent people. This includes equipment such as crane anemometers, which should be regularly maintained and calibrated.

198 People who use lifting equipment should carry out pre-use checks on the equipment and accessories they use, as well as ongoing, regular checks as part of an overall maintenance programme (eg the checks undertaken by an operator on their crane). Operators may be best placed to identify faults or damage to equipment. A suitable system should be in place to ensure that any defect identified is reported and action taken to prevent the lifting equipment/accessory being used until properly investigated and remedied.

199 The nature and frequency of thorough examinations should take account of any manufacturer's recommendations or otherwise take place every 6 months for lifting equipment and associated accessories used to lift people; every 6 months for lifting accessories, and every 12 months for all other lifting equipment.

200 Where one-trip slings are used in lifting operations, the employer in control of the operation should ensure, so far as reasonably practicable, that the slings are not used again for lifting operations.

Cranes used in dock operations

201 Dutyholders should have in place robust, proactive planned maintenance regimes for cranes, including an assessment of design life, post-supply structural modifications and actual use patterns.

202 Safety critical parts of the crane should be identified and have maintenance and testing regimes in place to monitor such parts, in line with suggested testing and maintenance intervals.

203 Dutyholders should consider 'foreseeable misuse', such as overloading or use in high winds. This should include consideration of dynamic and static overloading that may occur from the following and how to reduce and mitigate its effects:

- snagging where a container gets caught up during movement and creates significant momentary forces in ropes and parts of structure;
- trying to lift the ship where a container has not been released from those beneath it but the crane driver believes that it has and the crane attempts to lift, creating significant forces for a short time;
- jammed containers or twistlocks where a container is still partially connected to those beneath it but the crane driver believes that it has been freed and the crane attempts to lift, creating significant forces for a short time;
- twin lifting situations where the originally specified safe working load (SWL) is exceeded, reducing the factor of safety.

204 Dutyholders must consider the role, scope, time and access afforded to companies carrying out thorough examinations of cranes, particularly with regard to how schemes are determined and how it can be ensured that necessary safety critical parts are included in such schemes. Dutyholders must consider how to proceed where conflicting expert advice is received and keep records of such conflicts.

205 Dutyholders must consider the importance of involving crane operators and maintenance staff in plans for new purchase and/or modifications to existing cranes and crane working practices.

Find out more

Legislation

Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
www.legislation.gov.uk/uksi/1998/2307/contents/made

Provision and Use of Work Equipment Regulations 1998 (PUWER)
www.legislation.gov.uk/uksi/1998/2306/contents/made

Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006
www.legislation.gov.uk/uksi/2006/2184/contents/made

Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) (Amendment) Regulations 2008
www.legislation.gov.uk/uksi/2008/2165/contents/made

HSE ACOPs and guidance

Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and guidance L113 HSE Books 1998 ISBN 978 0 7176 1628 2
www.hse.gov.uk/pubns/books/l113.htm

Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22 (Third edition) HSE Books 2008 ISBN 978 0 7176 6295 1
www.hse.gov.uk/pubns/books/l22.htm

Thorough examination of lifting equipment: A simple guide for employers Leaflet INDG422 HSE Books 2008 www.hse.gov.uk/pubns/indg422.htm

The freeing of jammed freight containers and container fittings on ships Docks Information Sheet DIS1(rev1) HSE Books 2008 www.hse.gov.uk/pubns/dis1.pdf

HSE web pages

LOLER
www.hse.gov.uk/work-equipment-machinery/loler.htm

PUWER
www.hse.gov.uk/work-equipment-machinery/puwer.htm

Joint PSS/HSE guidance

SIP002 *Guidance on General Cargo*
www.portskillsandsafety.co.uk/publications/sip002_general_cargo_health_and_safety_in_ports_guidance

SIP003 *Guidance on Container Handling*
www.portskillsandsafety.co.uk/publications/sip003_container_handling_health_and_safety_in_ports_guidance

Other sources of information

BS 7121-2-9:2013 *Code of practice for the safe use of cranes. Inspection, maintenance and thorough examination. Cargo handling and container cranes* British Standards Institution
<http://shop.bsigroup.com/>

The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 MGN332 Maritime and Coastguard Agency
www.dft.gov.uk/mca/mgn332a.pdf

The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 MGN 331 Maritime and Coastguard Agency
www.dft.gov.uk/mca/mgn331.pdf

Slips and trips

206 Over a quarter of all reportable accidents in docks 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 often simple measures can be taken to prevent them happening.

207 Typical slip and trip hazards in docks include:

- working on uneven, wet or icy surfaces on loads;
- adverse weather conditions;
- badly stowed mooring ropes, lashing gear and other equipment;
- use of inappropriate flooring or surfaces on walkways, ramps and access steps;
- discarded packaging and pallets;
- deck fittings and pipework on ship;
- poor or unsuitable lighting in work areas.

ACOP

208 All parts of dock premises which are used for working ships should, so far as reasonably practicable, be kept clear of loose material. In addition such materials should be cleared at appropriate intervals in the course of cargo handling.

209 Ways to reduce slip and trip risks may include:

- Good housekeeping – encourage a 'see it, sort it' culture and appropriate monitoring and reporting systems. Report and follow up where a work area has been left untidy by employees from other companies.
- Loose lifting accessories should be adequately stored.
- Specify appropriate flooring/surfaces. Slopes and ramps should have a suitable surface which should where necessary be ribbed or coated so as to be slip-resistant.
- Maintain floors, steps and walkways in a good condition.
- Where surfaces do become slippery due to adverse weather or tidal conditions then they should be maintained to ensure that vehicles and pedestrians can move about safely.
- Beware of oil spillages, spilt bulk cargo and trip hazards across walkways.
- Where a vessel is a frequent visitor, work with the master to make sure trip hazards are painted a conspicuous colour.
- Consider the type of load, weather conditions and likely contaminants when selecting suitable footwear. For example, studs or chains may be required if accessing cargoes covered in ice.
- Plan pedestrian and vehicle routes to avoid contaminated areas.
- Provide adequate lighting.
- Maintain plant to prevent contamination, eg oil getting onto the floor.

Find out more

Legislation

Workplace (Health, Safety and Welfare) Regulations 1992
www.legislation.gov.uk/uksi/1992/3004/contents/made

HSE ACOPs and guidance

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and guidance L24 (Second edition) HSE Books 2013 ISBN 978 0 7176 6583 9 www.hse.gov.uk/pubns/books/l24.htm

Preventing slips and trips at work: A brief guide Leaflet INDG225(rev2) HSE Books 2012 (Priced pack ISBN 978 0 7176 6484 9) www.hse.gov.uk/pubns/indg225.htm

HSE web pages

Slips and trips
www.hse.gov.uk/slips/

Falls from height
www.hse.gov.uk/falls/

STEP – Slips and trips e-learning package
www.hse.gov.uk/slips/step/index.htm

Joint PSS/HSE guidance

SIP014 Access (in preparation)
www.portskillsandsafety.co.uk/publications?tid=58&keys=

Other sources of information

'Your Safety At Sea' leaflet 3 *Protecting yourself and others from slips, trips and falls* Maritime and Coastguard Agency
www.dft.gov.uk/mca/mcga07-home/workingatsea/mcga-healthandsafety/mcga-ds-ssh-leafletsandposters.htm

Rescue and life-saving from water

210 Given the nature of dock premises, it is important to ensure that there are adequate and suitable provisions in place to facilitate the rescue of anyone who falls into the water from the quayside. This section does not apply to disused or redundant docks but employers may have duties under section 3 of the HSW Act in respect of these.

ACOP

Unfenced quay edges

211 At jetties and quay edges where the edges are unfenced, means should be provided to help people to rescue themselves from drowning, and also provision for other people to rescue those in danger without endangering themselves. The means should include:

- handholds on the quayside at water level (at any state of the tide);
- ladders on quay walls;
- life-saving equipment.

Fenced quay edges

212 At jetties or quays where the edges are fenced throughout in accordance with paragraphs 150–152, the provision of life-saving equipment alone is sufficient unless:

- the public has access to the quay edge; or
- the dutyholder is made aware of a risk of people falling over a fenced edge that is comparable to the risk of people falling over an unfenced edge (whether or not by means of risk assessment).

213 In these situations additional measures will be required such as handholds and/or ladders.

Pontoons and ship-to-ship operations

214 Where a fixed quay is not involved, eg ship-to-ship operation or the use of pontoons, adequate and suitable lifesaving equipment should be provided.

Handholds

ACOP

215 Handholds should be suitable for use and be protected where possible to avoid damage both to and from ships.

216 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. All handholds should be properly maintained.

Ladders on quay walls

ACOP

217 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 m below the water line at any foreseeable state of the tide (or to the sea/river bed where there is less than 1 m 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. All ladders should be properly maintained.

Positioning of handholds and ladders on quay walls

218 At all quays 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.

219 At all quays constructed before 1 January 1989, the following may be considered reasonable intervals for the provision of ladders and handholds:

- 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
- 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
- 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.

Life-saving equipment

ACOP

220 Life-saving equipment should be conspicuous, properly maintained and provided at appropriate intervals.

221 Life-saving equipment will include lifebuoys, throwing lines and rescue poles.

222 What is suitable life-saving equipment will depend on the circumstances. In some situations, particularly where there is a strong tide or current, a throwing line may be appropriate either in addition to or in place of a conventional lifebuoy. Instructions for the use of each piece of life-saving equipment should be given or displayed.

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

Find out more

Joint PSS/HSE guidance

SIP020 *Water safety* (in preparation)

www.portskillsandsafety.co.uk/publications?tid=58&keys=

Other sources of information

Safety at Inland Water sites ROSPA

www.rosipa.com/leisuresafety/adviceandinformation/watersafety/

Guidelines for training crews for the purpose of launching lifeboats and rescue boats from ships making headway through the water MSN 1722 Maritime and Coastguard Agency

www.dft.gov.uk/mca/msn1722.pdf

Transport by water

224 All vessels that are used to carry people from one part of the dock to another to enable them to participate in dock operations should be safe for use.

ACOP

225 **Vessels used for this purpose should be of a sound and suitable construction, properly maintained and properly equipped for their intended use. Vessels should be in the charge of a competent person, who should hold a boatmasters' licence issued by the Maritime and Coastguard Agency or equivalent.**

226 This ACOP applies to vessels used to carry people from one part of the dock premises to another, specifically to enable them to take part in dock operations. It does not apply to vessels such as tugs, conservancy launches and vessels carrying pilots.

227 Vessels used should not be undermanned, overloaded or overcrowded. Vessels 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, firefighting and first-aid equipment.

228 Manning levels for such vessels should be determined by reference to Annex 11 of *The Safety of Small Workboats & Pilot Boats* (The Brown Code).

229 Vessels that are used for work (such as tugs, dredgers, crane barges and pilot vessels that operate in protected waters, such as docks, harbours and estuaries) should meet the minimum mandatory regulatory requirements as outlined in the Maritime and Coastguard Agency (MCA) Marine Guidance Note 469.

230 Certain Royal Yachting Association and Scottish Qualifications Agency qualifications are accepted in place of a boatmasters' licence for masters of commercial vessels under 24 m and carrying no more than 12 passengers.

231 Annex 1 of MCA Merchant Shipping Notice 1808 provides further advice on these and other alternative qualifications.

Find out more

Legislation

Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006
www.legislation.gov.uk/ukxi/2006/3223/contents/made

HSE ACOPs

Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22 (Third edition) HSE Books 2008 ISBN 978 0 7176 6295 1
www.hse.gov.uk/pubns/books/l22.htm

HSE web pages

PUWER
www.hse.gov.uk/work-equipment-machinery/puwer.htm

Other sources of information

Standards for Non-Passenger Vessels operating solely on Inland Waterways in the United Kingdom
MGN 469 Maritime and Coastguard Agency

www.gov.uk/government/uploads/system/uploads/attachment_data/file/244682/draft-mgn469_m_.pdf

Categorisation of Waters Merchant Shipping Notice MSN 1837 Maritime and Coastguard Agency
www.dft.gov.uk/mca/1827.pdf

MCA Boatmasters' License

www.dft.gov.uk/mca/mcga07-home/workingatsea/mcga-trainingandcert/ds-ss-bml1stop.htm

The Merchant Shipping (Inland Waterways and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 – Structure and Requirements Merchant Shipping Notice MSN 1808 Maritime and Coastguard Agency
www.dft.gov.uk/mca/msn1808.pdf

The Safety of Small Workboats & Pilot Boats – A Code of Practice (The Brown Code) Maritime and Coastguard Agency

www.dft.gov.uk/mca/brown-withpage8.pdf

Port Marine Safety Code Department for Transport

www.gov.uk/government/publications/port-marine-safety-code

A Guide to Good Practice on Port Marine Operations Supplement to the *Port Marine Safety Code* Department for Transport

www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations

Sound Practice, Safer Waters: The Inland Waters Small Passenger Boat Code Maritime and Coastguard Agency and the Association of Inland Navigation Authorities

www.dft.gov.uk/mca/final_brochure-2.pdf

Small Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats – Alternative Construction Standards Marine Guidance Note MGN 280 Maritime and Coastguard Agency

www.dft.gov.uk/mca/mgn_280-2.pdf

Lighting

232 Many docks 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 to avoid. The types of hazard present in the workplace will determine the lighting requirements for safe operation.

233 Each part of the dock premises that is being used for dock operations should be suitably and adequately lit. Lighting should be properly maintained.

234 The following should be provided:

- well-lit stairs, pedestrian and vehicle access routes;
- well-lit outside areas – for pedestrians and to help with activities such as loading/unloading at night, checking cargo and access to vessels
- well-lit areas for working on board ship (eg in holds);
- adequate lighting to allow safe access to small vessels
- good light – use natural light where possible but try to avoid glare;
- suitable forms of emergency lighting.

235 Obstacles and hazards which are likely to be dangerous when vehicles, lifting equipment or people move should be made conspicuous through suitable lighting and/or marking.

Find out more

HSE ACOPs and guidance

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and guidance L24 (Second edition) HSE Books 2013 ISBN 978 0 7176 6583 9 www.hse.gov.uk/pubns/books/l24.htm

Lighting at work HSG38 (Second edition) HSE Books 1998 ISBN 978 0 7176 1232 1 www.hse.gov.uk/pubns/books/hsg38.htm

HSE web pages

PUWER

www.hse.gov.uk/work-equipment-machinery/puwer.htm

Human factors

www.hse.gov.uk/humanfactors/

Joint PSS/HSE guidance

SIP009 *Guidance on Lighting*

www.portskillsandsafety.co.uk/publications/sip009_lighting_health_and_safety_in_ports_guidance

Other sources of information

Code for Lighting published by the Society of Light and Lighting and the Chartered Institute of Building Services Engineers

www.cibseknowledgeportal.co.uk/component/dynamicdatabase/?layout=publication&revision_id=1873

ILO Code of Practice: Safety and health in ports (ILO152) International Labour Organization

www.ilo.org/public/libdoc/ilo/2005/105B09_39_engl.pdf

MCA Code on Safe Movement Onboard Ships Regulations 1988 Maritime and Coastguard Agency
www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/mcga-shipsregsandguidance/mcga-mnotice.htm?textobjid=F4FC5B8655B516AC

Dusty cargoes

236 Typical cargoes in UK docks include grain, soya, animal foodstuffs, fishmeal, ores, coal and coke, cement, biomass, phosphate and other fertilisers.

237 Handling these cargoes can create 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. Some of these substances will have specific workplace exposure limits (WELs) and may also be classified as dangerous substances.

238 Different dusts have different adverse effects on health, but the most important effects of dusty cargoes are on the lungs. Some of these dusts (including grain and soya) can act as a respiratory sensitiser, that is, they can be a cause of occupational asthma. Other dusts may cause chronic obstructive pulmonary disease (COPD).

239 Under certain conditions the dusts given off by some cargoes may form an explosible and/or flammable mixture with air. Examples include sugar, coal, wood, grain, certain metals and many synthetic organic chemicals.

How to reduce the risks from dusty cargoes

Health risks

240 Exposure to dust should be avoided. If this is not possible then it should be adequately controlled. The level of control of exposure required will depend on the potential health effects of the dust. Some ways to control exposure include:

- design tasks to reduce the amount of dust generated;
- restrict staff entry to dusty areas such as warehouses especially during tipping, loading and pushing activities;
- 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 and in efficient working order;
- provide suitable air-filtration systems to the cabs of all vehicles used to handle dusty cargoes;
- provide and use respiratory protective equipment (RPE) – this should be suitable for its purpose, maintained and compatible with other protective equipment worn. This should only be as a last resort after other measures have been taken;
- provide adequate information, instruction and training to workers so that they are aware of the health risks and are able to use control measures properly; and
- provide health surveillance for workers.

Explosion risks

241 Possible control measures include:

- maintaining good housekeeping, ie avoiding or minimising the build-up or release of dust;
- the use of suitably maintained local exhaust ventilation systems;

- excluding or controlling any sources of ignition, eg use of protected lighting;
- the use of permit to work systems for activities such as hot work in affected areas.

242 Due to the specialist nature of this topic, further guidance should be sought from the references below.

Find out more

Legislation

Control of Substances Hazardous to Health Regulations 2002
www.legislation.gov.uk/ukxi/2002/2677/contents/made

HSE ACOPs and guidance

Control of substances hazardous to health (COSHH). The Control of Substances Hazardous to Health Regulations 2002 (as amended). Approved Code of Practice and guidance L5 (Sixth edition) HSE Books 2013 www.hse.gov.uk/pubns/books/l5.htm

Dangerous substances and explosive atmospheres. Dangerous Substances and Explosive Atmospheres Regulations 2002. Approved Code of Practice and guidance L138 (Second edition) HSE Books 2013 www.hse.gov.uk/pubns/books/l138.htm

Respiratory protective equipment at work: A practical guide HSG53 (Fourth edition) HSE Books 2013 www.hse.gov.uk/pubns/books/hsg53.htm

A step by step guide to COSHH assessment HSG97 (Second edition) HSE Books 2004 www.hse.gov.uk/pubns/books/hsg97.htm

Safe handling of combustible dusts: Precautions against explosions HSG103 (Second edition) HSE Books 2003 www.hse.gov.uk/pubns/books/hsg103.htm

EH40/2005 Workplace exposure limits: Containing the list of workplace exposure limits for use with the Control of Substances Hazardous to Health Regulations (as amended) Environmental Hygiene Guidance Note EH40 (Second edition) HSE Books 2011 www.hse.gov.uk/pubns/books/eh40.htm

Grain dust Environmental Hygiene Guidance Note EH66 (Third edition) HSE Books 2013 www.hse.gov.uk/pubns/eh66.htm

HSE web pages

COSHH
www.hse.gov.uk/coshh/

Chronic obstructive pulmonary disease
www.hse.gov.uk/copd/

Fire and explosion
www.hse.gov.uk/fireandexplosion/

Asthma
www.hse.gov.uk/asthma/

Respiratory protective equipment
www.hse.gov.uk/respiratory-protective-equipment/

Health surveillance
www.hse.gov.uk/health-surveillance/

Joint PSS/HSE guidance

SIP007 *Guidance on loading and unloading of dry bulk cargo*

www.portskillsandsafety.co.uk/publications/sip007_dry_bulk_cargo_loadingunloading_health_and_safety_in_ports_guidance

SIP008 *Guidance on the storage of dry bulk cargo*

www.portskillsandsafety.co.uk/publications/sip008_dry_bulk_cargo_storage_health_and_safety_in_ports_guidance

SIP011 *Sources of OC Information* (in preparation)

www.portskillsandsafety.co.uk/publications?tid=58&keys=

Musculoskeletal disorders

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

244 MSDs 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 an individual's quality of life.

245 Where MSD hazards can be found in docks:

- 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;
- vibration transmitted through the seat or feet of employees who drive mobile machines, such as tugs and other similar vehicles, over uneven ground or on rails;
- use of pneumatic lashing systems.

How to reduce MSD risks

246 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 handholds.
- Adopt safe lifting techniques.
- Consider the ergonomics of dock machinery and equipment when specifying and purchasing.
- Ensure sufficient provision of training and instruction in manual handling techniques.

247 For whole-body vibration:

- Select and use appropriate machinery for the job.
- Maintain plant and equipment, eg cranes and lift trucks. 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.
- Reduce exposure, eg through job rotation.
- Provide health surveillance for workers where appropriate.

- Provide drivers with information on how to reduce risks to their health.

Find out more

Legislation

Manual Handling Operations Regulations 1992

www.legislation.gov.uk/ukxi/1992/2793/contents/made

Control of Vibration at Work Regulations 2005

www.legislation.gov.uk/ukxi/2005/1093/contents/made

HSE guidance

Manual handling. Manual Handling Operations Regulations 1992 (as amended). Guidance on Regulations L23 (Third edition) HSE Books 2004 www.hse.gov.uk/pubns/books/l23.htm

Whole-body vibration. The Control of Vibration at Work Regulations 2005. Guidance on Regulations L141 HSE Books 2005 www.hse.gov.uk/pubns/books/l141.htm

Manual handling assessment charts MAC TOOL Leaflet INDG383 HSE Books 2003

www.hse.gov.uk/pubns/indg383.htm

HSE web pages

Ergonomics

www.hse.gov.uk/humanfactors/

Health surveillance

www.hse.gov.uk/health-surveillance/

Whole-body vibration

www.hse.gov.uk/vibration/wbv/index.htm

MSDs

www.hse.gov.uk/msd/msds.htm

Confined spaces

248 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.

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

250 A confined space can be any space of an enclosed nature where there is a risk of death or serious injury from hazardous substances or dangerous conditions (eg lack of oxygen).

251 Confined spaces can be found in a variety of places within the dock environment including some ships' holds, warehouses, silos and freight containers. In addition, some places may only become confined spaces when particular work is carried out, eg fumigation. Further guidance on where confined spaces may be found in docks can be found in the SIP015 *Confined Spaces*.

252 Confined spaces may pose a significant risk because they are enclosed, either largely or completely **and** they have a clearly foreseeable risk of serious injury or death caused by one of the following:

- lack of oxygen – this can occur in ships' holds, freight containers, lorries etc as a result of the cargo or contents consuming the oxygen inside the space;
- fire and explosion (eg from flammable vapour/dust, excess oxygen etc);
- build up of poisonous gas, fume or vapour – possibly due to decomposing, leaking or oxidation of cargo (eg wood pellets), incomplete fumigation, inadequate cleaning processes, or welding/vehicle fumes;
- incomplete ventilation of fumes in containers, eg due to incomplete fumigation or build up of fumes given off by contents of containers while in transit;
- discharge of gases, fume or vapour from pieces of equipment including some fire suppression systems, exhaust fumes etc;
- liquids and solids which can suddenly fill the space causing drowning, or release gases into it, when disturbed, eg grain;
- hot conditions leading to a dangerous increase in body temperature.

How to reduce the risks in confined spaces

253 Where a confined space on a ship is involved, co-operation between the shoreside employer and master is essential to ensure that all relevant risks are managed and duties are adequately discharged.

254 Avoid carrying out tasks in confined spaces but, if this not possible, the risks will need to be assessed and control measures implemented.

255 Items to consider will include:

- testing for noxious fumes or flammable atmospheres and how these can be vented or removed;
- the risk of liquids or gases flooding in and how to stop or limit this, eg lock valves shut;
- the lack of oxygen and the need to provide breathing apparatus;
- the job being done and the equipment being used, eg welding gear that will reduce the amount of oxygen in the room, chemical cleaners that may require ventilation, gases released when disturbing residues, using appropriate electrical equipment in ignition risk areas etc;

- the person identified to do the job, eg training, physical ability, pre-existing medical conditions and any personal protective equipment (PPE) needs etc;
- the need for rescue arrangements – this should cover the necessary equipment, training and practice drills. Ensure that the equipment provided is actually suitable for the space.
- the use of permit-to-work systems – these are a formal check to ensure that all elements of the safe system of work are in place before people are allowed to enter the confined space;
- communications – ensure workers inside a confined space have a mechanism for communicating with others inside and those outside, especially if they cannot be physically monitored;

256 On each occasion for the same confined space the risks will need to be reassessed as things may have changed, the task and equipment being used may be different and it may not be the same person doing the work.

Find out more

Legislation

Confined Spaces Regulations 1997

www.legislation.gov.uk/ukxi/1997/1713/contents/made

Personal Protective Equipment Regulations 2002

www.legislation.gov.uk/ukxi/2002/1144/contents/made

Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988

www.legislation.gov.uk/ukxi/1988/1638/contents/made

HSE ACOPs and guidance

Safe work in confined spaces. Confined Spaces Regulations 1997. Approved Code of Practice, Regulations and guidance L101 (Second edition) HSE Books 2009 ISBN 978 0 7176 6233 3

www.hse.gov.uk/pubns/books/l101.htm

Fumigation: Health and safety guidance for employers and technicians carrying out fumigation operations HSG251 HSE Books 2005

www.hse.gov.uk/pubns/books/hsg251.htm

Confined spaces: A brief guide to working safely Leaflet INDG258(rev1) HSE Books 2013

www.hse.gov.uk/pubns/indg258.htm

Diesel engine exhaust emissions HSG286 HSE Books 2012

www.hse.gov.uk/pubns/indg286.htm

Control of diesel engine exhaust emissions in the workplace HSG187 HSE Books 2012

www.hse.gov.uk/pubns/books/hsg187.htm

HSE web pages

Confined spaces

www.hse.gov.uk/confinedspace/

Safe entry to freight containers

www.hse.gov.uk/ports/safe-entry.htm

Respiratory protective equipment

www.hse.gov.uk/respiratory-protective-equipment/

Joint PSS/HSE guidance

SIP015 *Confined Spaces* (in preparation)

www.portskillsandsafety.co.uk/publications?tid=58&keys=

Other sources of information

Risk Management: Entry into enclosed spaces – ships' cargo spaces and freight containers Two pocket guides published jointly by TT Club/ICHCA International www.ttclub.com

Entry into enclosed spaces: Spaces potentially unsafe for entry Safety Alert Maritime and Coastguard Agency
www.dft.gov.uk/mca/entry_into_enclosed_spaces.pdf

Emergency planning

257 Docks and associated organisations should have plans for dealing with emergencies that could have a wider impact. These special procedures will include actions to stem the effects of the emergency at source, such as fighting fires, combating the release of radioactivity or toxic chemicals, the spread of disease, the extent of floods, serious injuries, and explosions.

258 There should be a written emergency plan if a major incident at the dock could involve risks to the public, rescuing employees or co-ordinating emergency services.

259 Where the dock is shared with other employers consider whether the emergency plans and procedures should be co-ordinated or integrated with wider plans.

260 Contact emergency services and include them where appropriate in the development of emergency plans.

261 The Dangerous Substances in Harbour Areas Regulations 1987 (DSHAR) and the Control of Major Accident Hazards Regulations 1999 (COMAH) will apply to some docks dependent on the types of goods handled/stored.

262 In emergencies people are more likely to respond reliably if they:

- are well trained and competent – don't forget the needs of people with disabilities and vulnerable workers. Appropriate awareness should also be provided for people such as visiting drivers, ships' crew, contractors and passengers;
- take part in regular and realistic practice – consider extending training and familiarisation of the plan to outside agencies that may need to be called on;
- have clearly agreed, recorded and rehearsed plans, actions and responsibilities – nominate competent people with clearly defined roles and functions to take control. Decide which other key people are needed, such as a nominated incident controller, someone who is able to provide technical and other site-specific information if necessary, or first-aiders.

263 Points to consider in an emergency plan include:

- Consider what might happen, how the alarm will be raised and how to activate procedures. Don't forget night and shift working and weekends.
- Plan what to do – include contact details and how to call the emergency services. Consider drawing up a simple plan showing the location of hazardous items.
- Define evacuation routes and identify where rescue equipment is kept.
- 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.
- Take account of the potential fire risks on board vessels, particularly those associated with hazardous cargoes.
- In responding to an emergency event, ensure the response is managed so that rescuers are not put at unnecessary risk.
- Plan for rescuing people from the scene, or evacuating them and treating their injuries, or providing them with shelter and comfort, or arranging for an orderly return to the scene when it is safe.
- Consider establishing containment areas for personnel.

264 In general work should not resume after an emergency until the area is declared safe. If there are any doubts ask for assistance from the emergency services.

Rescue from isolated positions

265 Where a person works in an isolated position such as a crane cab or deep bulk cargo hold, consider means of rescue should that person be injured or collapse while at work and the possibility of that person becoming trapped.

Find out more

Legislation

Radiation (Emergency Preparedness and Public Information) Regulations 2001
www.hse.gov.uk/radiation/ionising/reppir.htm

Control of Major Accident Hazards Regulations 1999
www.legislation.gov.uk/ukxi/1999/743/contents/made

HSE guidance

A guide to the Dangerous Substances in Harbour Areas Regulations 1987 HSR27 HSE Books 1988
www.hse.gov.uk/pubns/hsr27.htm

The bulk transfer of dangerous liquids and gases between ship and shore HSG186 HSE Books 1999
www.hse.gov.uk/pubns/books/hsg186.htm

The Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (NAMOS): A brief guide on an amendment to the Regulations 2013 Leaflet INDG467 HSE 2013
www.hse.gov.uk/pubns/indg467.htm

HSE web pages

COMAH
www.hse.gov.uk/comah/

Joint PSS/HSE guidance

SIP016 *Emergencies, Adverse Events and Contingency Planning* (in preparation)
www.portskillsandsafety.co.uk/publications?tid=58&keys=

Other sources of information

International Maritime Dangerous Goods (IMDG) Code International Maritime Organization
www.imo.org/Publications/IMDGCode/Pages/Default.aspx

Personal protective equipment (PPE)

266 Making the workplace safe includes providing instructions, procedures, training and supervision to encourage people to work safely and responsibly. Even where engineering controls and safe systems of work have been applied, some hazards might remain. In these cases, employers have duties concerning the provision and use of PPE at work, and employees have a duty to use PPE correctly and in accordance with instructions.

267 PPE must only be used as a last resort. If PPE is still needed after implementing other controls, employers must provide this for their employees free of charge.

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

269 When selecting suitable PPE, consider:

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

270 To ensure the suitability of PPE:

- Choose products which are CE marked in accordance with the Personal Protective Equipment Regulations 2002 – suppliers can advise. If in doubt, seek further advice from a specialist adviser and explain the job to them.
- Choose equipment that suits the user – consider the size, fit and weight of the PPE and the health of the user. 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 can be it used together, eg wearing safety glasses may disturb the seal of a respirator, causing air leaks.
- Instruct and train people how to use it. Explain why it is needed, when to use it, what its limitations are and know how to detect and report any faults.
- Ensure that the right replacement parts that match the original are used, eg respirator filters, and have replacement PPE available.
- Clarify who is responsible for maintenance and how it is to be done.
- Ensure PPE is properly looked after and stored when not in use. If it is reusable it must be cleaned and kept in good condition.

271 Never allow exemptions from wearing PPE for those jobs that 'only take a few minutes'.

Find out more

Legislation

Personal Protective Equipment Regulations 2002
www.legislation.gov.uk/ukxi/2002/1144/contents/made

HSE guidance

Personal Protective Equipment at Work (Second edition). Personal Protective Equipment at Work Regulations 1992 (as amended). Guidance on Regulations L25 (Second edition) HSE Books 2005
www.hse.gov.uk/pubns/books/l25.htm

Personal protective equipment (PPE) at work: A brief guide Leaflet INDG174(rev2) HSE Books 2013
www.hse.gov.uk/pubns/indg174.htm

HSE web pages

Respiratory protective equipment
www.hse.gov.uk/respiratory-protective-equipment/

Personal protective equipment
www.hse.gov.uk/toolbox/ppe.htm

Lone working

272 Lone workers are those who work by themselves without close or direct supervision so additional controls may be needed to reduce risks to acceptable levels. Think about and deal with any health and safety risks before people work alone.

273 Establishing a healthy and safe working environment for lone workers can be different from organising the health and safety of other employees.

274 There are no absolute restrictions on working alone but it will depend on the risks faced by the individual.

275 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.

276 There are some high-risk activities where at least one other person may need to be present. Examples include: crane operators; engineering staff and security staff; some high-risk confined space working where a supervisor may need to be present, as well as someone dedicated to a rescue role; and electrical work at or near exposed live conductors where at least two people are sometimes required.

277 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 the levels of experience needed;
- what systems might be needed to supervise and keep in touch with lone workers.

278 Depending on the risks, some lone workers may require extra control measures, which may include instruction, training, supervision, protective equipment, rescue procedures etc. Employers should check that control measures are used and procedures reviewed from time to time to ensure they are still adequate.

Find out more

HSE guidance

Working alone: Health and safety guidance on the risks of lone working Leaflet INDG73(rev3) HSE Books 2013 www.hse.gov.uk/pubns/indg73.htm

First aid

279 There a legal duty to make arrangements to ensure employees receive immediate attention if they are injured or take ill at work. The first aid needs and arrangements will depend on the particular circumstances in the dock.

280 As a minimum, there must be:

- 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.

281 Make an assessment of the hazards and risks in the workplace and establish an appropriate level of first-aid provision. The assessment may also indicate that a first-aid room should be provided.

282 Decide if you need a first-aider, ie someone trained by an approved organisation, and who holds a qualification in first aid at work or emergency first aid at work.

283 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.

Find out more

HSE guidance

First aid at work: The Health and Safety (First-Aid) Regulations 1981. Guidance on Regulations L74 (Third edition) HSE Books 2013 www.hse.gov.uk/pubns/books/l74.htm

First aid at work: Your questions answered Leaflet INDG214(rev1) HSE Books 2009 www.hse.gov.uk/pubns/indg214.htm

Basic advice on first aid at work Leaflet INDG347(rev2) HSE Books 2011 www.hse.gov.uk/pubns/indg347.htm

HSE web pages

First aid at work
www.hse.gov.uk/firstaid/

First aid at work assessment tool
www.hse.gov.uk/firstaid/assessmenttool.htm

Accident reporting

284 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (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;
- specified injuries to people at work, which are listed in RIDDOR, such as fractures, amputations and serious burns;
- 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 certain occupational diseases as 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.

285 The reporting and recording of accidents/incidents 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.

286 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.

287 Information on accidents, incidents and ill health can be used by companies 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.

288 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) – see www.hse.gov.uk/riddor.

289 In certain circumstances, eg where ships or ships' crew and shore-based operations or equipment are involved in an incident, it may also be necessary to report accidents to the Marine Accident Investigation Board (MAIB) under the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

Find out more

Legislation

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
www.legislation.gov.uk/uksi/2013/1471/contents/made

Merchant Shipping (Accident Reporting and Investigation) Regulations 2012
www.legislation.gov.uk/uksi/2012/1743/contents/made

HSE guidance

Reporting accidents and incidents at work: A brief guide to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) Leaflet INDG453(rev1) HSE Books 2013
www.hse.gov.uk/pubns/indg453.htm

HSE web pages

RIDDOR

www.hse.gov.uk/riddor/

Other sources of information

Merchant Shipping (Accident Reporting and Investigation) Regulations 2012

www.maib.gov.uk/cms_resources.cfm?file=/ARI_Regulations_2012.pdf

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 Work and Pensions pursuant to section 16(2) of the 1974 Act, the Health and Safety Executive has on 4 December 2013 approved the Code of Practice entitled *Safe work in docks* (First edition, 2014, L148).

The Code of Practice gives practical guidance on regulations 2, 3 and 7 of the 1974 Act as they relate to docks.

By virtue of section 16(5) and with the consent of the Secretary of State for Work and Pensions 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 6 April 2014.

The Code of Practice comes into effect on 6 April 2014.

Signed

Secretary to the Board of the Health and Safety Executive

[DATE]

Appendix 2 Legislation

Health and Safety at Work etc Act 1974

www.legislation.gov.uk/ukpga/1974/37/contents

- Section 2* *General duties of employers to their employees*
- Section 3* *General duties of employers and self-employed to persons other than their employees*
- Section 4* *General duties of persons concerned with premises to persons other than their employees*
- Section 7* *General duties of employees at work*
- Section 8* *Duty not to interfere with or misuse things provided pursuant to certain provisions*

Management of Health and Safety at Work Regulations 1999

www.legislation.gov.uk/uksi/1999/3242/made

- Regulation 3* *Risk assessment*
- Regulation 5* *Health and safety arrangements*
- Regulation 8* *Procedures for serious and imminent danger and for danger areas*
- Regulation 11* *Co-operation and co-ordination*
- Regulation 13* *Capabilities and training*
- Regulation 14* *Employees' duties*

Confined Spaces Regulations 1997

www.legislation.gov.uk/uksi/1997/1713/made

- Regulation 4* *Work in confined spaces*

Dangerous Substances and Explosive Atmospheres Regulations 2002

www.legislation.gov.uk/uksi/2002/2776/made

- Regulation 7* *Places where explosive atmospheres may occur*

Lifting Operations and Lifting Equipment Regulations 1998

www.legislation.gov.uk/uksi/1998/2307/made

- Regulation 4* *Strength and stability*
- Regulation 5* *Lifting equipment for lifting persons*
- Regulation 6* *Positioning and installation*

Regulation 8 Organisation for lifting operations

Regulation 9 Thorough examination and inspection

Personal Protective Equipment at Work Regulations 1992

www.legislation.gov.uk/uksi/1992/2966/made

Regulation 4 Provision of personal protective equipment

Provision and Use of Work Equipment Regulations 1998

www.legislation.gov.uk/uksi/1998/2306/made

Regulation 4 Suitability of work equipment

Regulation 5 Maintenance

Regulation 9 Training

Regulation 18 Control Systems

Regulation 28 Self-propelled work equipment

Work at Height Regulations 2005

www.legislation.gov.uk/uksi/2005/735/made

Regulation 6 Avoidance of risks from work at height

Regulation 8 Requirements for particular work equipment

Schedule 6 Requirement for ladders [Regulation 8(e)]

Workplace (Health, Safety and Welfare) Regulations 1992

www.legislation.gov.uk/uksi/1992/3004/made

Regulation 12 Conditions of floors and traffic routes

Regulation 17 Organisation etc. of traffic routes

Control of Substances Hazardous to Health Regulations 2002

www.legislation.gov.uk/uksi/2002/2677/contents/made

Regulation 6 Assessment of the risk to health created by work involving substances hazardous to health

Regulation 7 Prevention or control of exposure to substances hazardous to health

Regulation 8 Use of control measures etc.

Regulation 9 Maintenance, examination and testing of control measures

Regulation 10 Monitoring exposure at the workplace

Regulation 11 Health surveillance

Health and Safety (Consultation with Employees) Regulations 1996

www.legislation.gov.uk/nisr/1996/511/contents/made

Regulation 3 Duty of employers to consult

Regulation 4 Persons to be consulted

Safety Representatives and Safety Committee Regulations 1977

www.legislation.gov.uk/uksi/1977/500/contents/made

Regulation 4 Functions of safety representatives

Glossary

access to includes egress from.

cargo or goods includes:

- animals;
- pallets and freight containers;
- waste;
- solid ballast; and
- vehicles which are being transported as cargo.

container means a freight container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations 1984.

dock includes a port

dock operations means:

- (a) the loading or unloading of goods on or from a ship at dock premises;
- (b) the embarking or disembarking of passengers on or from a ship at dock premises;
- (c) any activity incidental to the activities in subparagraphs (a) and (b) of this definition which takes place on dock premises, including any of the following activities specified in this subparagraph if they are so incidental and take place on dock premises –
 - (i) the fuelling and provisioning of a ship;
 - (ii) the mooring of a ship;
 - (iii) the storing, sorting, inspecting, checking, weighing or handling of goods;
 - (iv) the movement of goods, passengers or vehicles;
 - (v) the use of welfare amenities in relation to the carrying out of activities referred to in sub-paragraphs (a), (b) and (c)(i) to (iv) above;
 - (vi) attending dock premises for the purposes of the activities referred to in subparagraphs (a), (b) and (c)(i) to (v) above; or
- (d) the embarking or disembarking on or from a ship of its crew at dock premises;

but does not include –

- (e) a fish loading process within the meaning of the Loading and Unloading of Fishing Vessels Regulations 1988;
- (f) the loading or unloading of goods, or embarking or disembarking of persons, from a pleasure craft or any activity incidental to those activities; or
- (g) beach landing operations wholly carried out by serving members of Her Majesty's Forces or visiting forces within the meaning of the provisions of Part 1 of the Visiting Forces Act 1952 or a combination of both.

dock premises means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or

occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities.

goods see **cargo**.

harbour authority this includes both statutory and competent harbour authorities.

hatch means a ships' hatch.

hatch covering includes hatch covers, beams and attached fixtures and fittings.

loading includes unloading.

one-trip sling means a sling which has not previously been used for lifting any other load and is fitted to the load at the commencement of the journey and intended to be disposed of at the destination of that journey.

pre-slung cargo sling means a sling which was in position round the goods before they were handled in the course of dock operations.

ship includes every description of vessel used in navigation.

ships' master should be taken to include any ships' officer in charge of a ship during the absence of the master.

stevedore is an organisation or company that may employ its own workforce permanent or temporary and is licensed or contracted to load vessels and handle cargo.

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/, where you can also search for changes to legislation.

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: 0845 086 9001 email: cservices@bsigroup.com.

This publication is available at: www.hse.gov.uk/pubns/books/l148.htm

Published by the Health and Safety Executive L148 (Draft) 01/2014

Title: Revocation of Docks Regulations 1988 and replacement of Safety in Docks ACOP (COP25) with a shorter, simplified ACOP publication IA No: HSE0069h) Lead department or agency: Health and Safety Executive Other departments or agencies: None	Impact Assessment (IA)	
	Date: 08/04/2013	
	Stage: Final	
	Source of intervention: Domestic	
	Type of measure: Secondary legislation	
Contact for enquiries: Hayley Ford - Hayley.ford@hse.gsi.gov.uk Tara McNally tara.mcnally@hse.gsi.gov.uk		

Summary: Intervention and Options	RPC Opinion: Awaiting Scrutiny
--	---------------------------------------

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out? Measure qualifies as
0	0	0	Yes Zero Net Cost

What is the problem under consideration? Why is government intervention necessary?

Parts of the Docks Regulations 1998 have already been revoked by more recent goal setting legislation. In response to the Lofstedt review and Red Tape Challenge, HSE has identified the remaining parts of the Docks Regulations as also having been superseded by more modern legislation. Revoking the Docks Regulations will simplify the legislation that relates to dock work while maintaining the same standards of protection for those affected by dock activities. If the Docks Regulations are revoked the current supporting Approved Code of Practice (ACOP) will have no legal basis and will also need to be withdrawn. HSE proposes to replace the existing ACOP with a shorter, simplified version of the ACOP.

What are the policy objectives and the intended effects?

The policy objective of this work is to streamline the legislative framework by removing outdated prescriptive legislation. The remaining regulatory requirements of the Docks Regulations are largely replicated in other sets of more modern, goal-setting regulations. This proposal is part of a larger deregulatory programme that we would expect to contribute to an improved perception of HSE's regulatory activity, showing it to be sensible and proportionate without lowering health and safety standards.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 - Do nothing - the Docks Regulations 1988 would remain on the statute book.

Option 2 - As originally proposed in the public consultation document: Revoke the Docks Regulations 1988 and withdraw the existing ACOP and guidance (Safety in Docks-COP25). We would then rely on other regulations to ensure the same standard of health and safety requirements in docks.

Option 3 -Amended option 2: largely the same as the original proposal but provide shorter, simplified version of the ACOP. Policy Option 3 is preferred as it addresses concerns raised through the consultation process while not creating an additional burden on business. Policy option 3 results in a net cost of zero to business compared to option 2 which generates a small "in". This is because option 3 reduces the size of the ACOP rather than removing it and therefore the

Will the policy be reviewed? It will not be reviewed. If applicable, set review date: Month/Year

Error! Unknown document property name.Annex 2

Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:	Non-traded:	

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible
SELECT SIGNATORY:

Date

.....:

Summary: Analysis & Evidence Policy Option 1

Description: Do Nothing

FULL ECONOMIC ASSESSMENT

Price Base Year 2010	PV Base Year 2010	Time Period Years 1	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	0	0
High	0		0	0
Best Estimate	0		0	0

Description and scale of key monetised costs by 'main affected groups'

This is the status quo / baseline option and as such costs are zero

Other key non-monetised costs by 'main affected groups'

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0	0
High	0		0	0
Best Estimate	0		0	0

Description and scale of key monetised benefits by 'main affected groups'

This is the status quo / baseline option and as such benefits are zero

Other key non-monetised benefits by 'main affected groups'

Key assumptions/sensitivities/risks	Discount rate (%)	na
-------------------------------------	-------------------	----

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0 Benefits: 0 Net: 0	No	NA

Summary: Analysis & Evidence Policy Option 2

Description:

Revoke Docks Regulations 1988]

FULL ECONOMIC ASSESSMENT

Price Base Year 2010	PV Base Year 2010	Time Period Years 1	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: -0.23

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	1	0	0
High	0		0	0
Best Estimate	0.12		0	0.12

Description and scale of key monetised costs by 'main affected groups'

The main one-off costs would fall on industry in terms of familiarisation (approximately £17 thousand) and updating training and internal guidance (approximately £100 thousand). There would be negligible costs to industry in terms of printing training materials and negligible costs to industry and HSE in terms of updating HSE guidance. Such materials are likely to be reproduced on a regular basis already.

Other key non-monetised costs by 'main affected groups'

Consultation highlighted the costs from potential confusion and the potential for a reduction in level of health and safety standards. However, the revocation of the Docks Regulations would not lower the legal protection of workers, as it would not result in changes to current duties or the ability for HSE to enforce these duties. Accordingly, employers and workers would not need to alter their behaviour in any way, and this would result in no impacts on health and safety from the proposal.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0	0
High	0		0	0
Best Estimate	0		0	0

Description and scale of key monetised benefits by 'main affected groups'**Other key non-monetised benefits by 'main affected groups'**

The removal of these sets of regulation will contribute towards streamlining the Health and Safety legislative framework. There will also be ongoing annual benefits to industry from the reduction in materials they need to be familiar with.

Key assumptions/sensitivities/risks	Discount rate (%)	na
-------------------------------------	-------------------	----

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0.01	Benefits: 0	Net: -0.01	Yes	IN

Summary: Analysis & Evidence Policy Option 3

Description: Amended policy option 2 with shorter simplified ACOP

FULL ECONOMIC ASSESSMENT

Price Base Year 2010	PV Base Year 2010	Time Period Years 1	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	0	0

Description and scale of key monetised costs by 'main affected groups'

There would be no familiarisation costs to industry, as the ACOP would not be removed. There would be negligible costs to industry in terms of printing training materials and negligible costs to industry and HSE in terms of updating HSE guidance. Such materials are likely to be reproduced on a regular basis already.

Other key non-monetised costs by 'main affected groups'

Consultation highlighted the costs from potential confusion and the potential for a reduction in level of health and safety standards. However, amended policy option 2 with a shorter ACOP would not lower the legal protection of workers, as it would not result in changes to current duties or the ability for HSE to enforce these duties. Accordingly, employers and workers would not need to alter their behaviour in any way, and this would result in no impacts on health and safety from the proposal.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

Other key non-monetised benefits by 'main affected groups'

The removal of these sets of regulation will contribute towards streamlining the Health and Safety legislative framework. There will also be ongoing annual benefits to industry from the reduction in materials they need to be familiar with. The sign-posting format of the ACOP will also mean dutyholders not re-reading the same materials. While this hasn't been quantified, sector experts believe that this will, as a minimum, mitigate any costs of deregulation.

Key assumptions/sensitivities/risks

Discount rate (%)

na

BUSINESS ASSESSMENT (Option 3)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0	Yes	Zero net cost
Benefits: 0		
Net: 0		

Evidence Base

Revocation of Docks Regulations 1988 and replacement of Safety in Docks ACOP (COP25) with a shorter, simplified ACOP

Problem under consideration;

- HSE has identified a number of health and safety related Statutory Instruments (SIs) that are redundant or that have been overtaken by more modern legislation or do not deliver their intended benefits. This work will remove redundant legislation and is only one small element of a much wider programme of work to make the legislative framework simpler and easier to understand, while maintaining the same standards of protection for those in the workplace or affected by work activities.
- Parts of the Docks Regulations 1998 have already been revoked by more recent goal setting legislation. In addition, HSE officials believe that the remaining parts of the Docks Regulations have been superseded by the legal general requirements of other recent legislation. This includes the general requirements of the Management of Health & Safety at Work Regulations 1999 (MHSWR) and the Workplace (Health, Safety & Welfare) Regulation 1992 along with the more specific requirements of the Provision and Use of Work Equipment Regulations 1998, Lifting Operations and Lifting Equipment Regulations 1998 and the Work at Height Regulations 2005. Revocation of the Docks Regulations will make the legislative framework relevant to docks simpler and easier to understand whilst maintaining the same standards of protection for those working in docks or affected by dock activities.
- The Docks Regulations are supported by an Approved Code of Practice (ACOP) and guidance (Safety in Docks COP25). If the Docks Regulations are revoked then the current ACOP will have no legal basis and will need to be withdrawn. HSE originally consulted on withdrawing the ACOP and replacing it with industry guidance. The HSE Board, following concerns raised by some stakeholders, has decided to retain a shorter, simplified ACOP based on duties under the Health & Safety at Work etc Act 1974 and relevant statutory provisions. HSE have completed a second consultation on the text of this ACOP that will also signpost more detailed guidance already being produced by the Ports industry (planned for completion by April 2014). It is proposed that the Docks Regulations will be revoked in October 2013 with a coming into force date of April 2014. The current Safety in Docks ACOP (COP25) will then be replaced by a shorter, simplified version in April 2014. The new publication will also incorporate the guidance from two other HSE publications (INDG 446 - A Quick Guide to Health and Safety in Ports and HSG177 - Managing Health and Safety in Dockwork).

Background

- Professor Löfstedt's independent review of health and safety legislation 'Reclaiming health and safety for all' (<http://www.dwp.gov.uk/docs/lofstedt-report.pdf>) was published in November 2011. In response to this, and the Red Tape Challenge, HSE has identified a number of health and safety regulations that are either redundant, have been overtaken by more modern legislation or do

not deliver their intended benefits. This includes the Docks Regulations 1988. Without any intervention these would remain in force and contribute to the impression that health and safety law is extensive, complex and out of date.

- The public were given the opportunity to comment on Regulations under the Government's Red Tape Challenge initiative – those that work well and those that do not. This exercise was launched on 7 April 2011 with a new theme in the spotlight on the website every three weeks. Workplace Health and Safety is a cross cutting theme and open to challenge throughout the initiative. It was also in the spotlight from 30 June for 3 weeks. Some 197 Regulations were in scope for the Workplace Health and Safety theme. All Red Tape Challenge comments are collated to provide a clearer picture for Government of which Regulations should stay, which should go and which should change. All the Health and Safety Theme comments received were considered by HSE.
- The Docks Regulations 1988 were conceived as a single set of regulations which addressed port-specific activities and risks at a time when there was limited published guidance and standards for docks and the ship/shore interface, and accident rates were very high.
- The Approved Code of Practice and guidance (Safety in Docks COP25) was introduced to support the Docks Regulations. The ACOP and guidance give advice on how to comply with the law. The ACOP has a special legal status in that if companies follow the advice in it, they will be doing enough to comply with the law in respect of those specific matters. They may also use alternative methods to those set out in the Code in order to comply with the law. The ACOP is accompanied by guidance which does not form part of the Code and has a different legal status. Following the guidance is not compulsory and you are free to take other action. But if you follow the guidance you will normally be doing enough to comply with the law.
- If the Docks Regulations are revoked then the current ACOP (COP25) will have no legal basis and will need to be withdrawn. HSE originally consulted on withdrawing the ACOP and replacing it with industry guidance but following concerns raised by some stakeholders the HSE Board has decided to retain a shorter, simplified ACOP based on duties under the Health & Safety at Work etc Act 1974 and relevant statutory provisions.
- HSE has completed a second consultation on the text of a shorter, simplified ACOP. This ACOP will also signpost a suite of more detailed Safety in Ports guidance documents being produced by the Ports industry (planned for completion by April 2014). The replacement ACOP would be based on duties under the Health & Safety at Work etc Act 1974 and relevant statutory provisions, and would be published in April 2014 when the revocation of the Docks Regulations will come into force. The new publication will also incorporate the guidance from two other HSE publications (INDG 446 - a quick guide to health and safety in ports and HSG177 - managing health and safety in dockwork).

- It is proposed that the Docks Regulations 1988 are removed and the supporting Approved Code of Practice, Safety in Docks COP25 withdrawn and replaced with a shorter, simplified ACOP and guidance publication.

Rationale for intervention;

- Intervention is necessary to implement the Government response to the above mentioned Red Tape Challenge and Löfstedt Review. The requirements under the prescriptive Docks Regulations 1988 have been superseded by more modern goal-setting legislation. Although these Regulations have been used in enforcement action over recent years, all of the deficiencies identified would also fall under parallel legislation. This work will make the legislative framework relevant to docks simpler whilst maintaining the same standards of protection for those working in docks or affected by dock activities.
- The removal of duplicate legislation removes the need for dutyholders to spend resource on reading and understanding the additional legislation, it would also save dutyholder resource by reducing the uncertainty and complexity of the health and safety legislative framework. Deregulation, on the whole, reduces barriers to entry and fixed start-up costs thus making markets more contestable. This theory is supported by anecdotal evidence from consultation, for example:

“I am in favour of revoking these measures and in particular seeing the resultant removal of burden on small businesses.”

Policy objective and intended effects;

- The policy objective of this work is to contribute to the streamlining of the legislative framework by removing one set of Regulations and the associated Approved Code of Practice that are no longer needed to support the control of health and safety risks in the workplace. Without any intervention the Docks Regulations would remain in force and contribute to the impression that health and safety law is complex, confusing and out-of-date.
- This work forms part of HSE’s programme of wider reforms to help employers understand quickly and easily what they need to do to manage workplace risks.

Alternatives to regulation

- No alternatives to regulation have been considered because this is a deregulatory measure.

One In Two Out (OITO)

- This deregulatory measure is within scope of One In Two Out. This impact assessment has monetised one off costs in terms of familiarisation and changes to training materials which have been confirmed by industry. It has not been possible or deemed proportionate to quantify the ongoing benefits from the reduced annual familiarisation and the contribution to the reduction to the perception that health and safety legislation is complex. However, it is expected that the ongoing benefits would, as a minimum mitigate the one off costs and therefore we present this deregulatory measure as a zero net cost

Description of options considered (including do nothing);

- Option 1 – Do nothing - the Docks Regulations 1988 would remain on the statute book.
- Option 2 - As originally proposed in the public consultation document: Revoke the Docks Regulations 1988 and withdraw the existing ACOP and guidance (Safety in Docks-COP25). We would then rely on other regulations to ensure the same standard of health and safety requirements in docks.
- Option 3 – Amended option 2: Revoke the Docks Regulations 1988 and replace the existing ACOP & guidance (Safety in Docks- COP25) with a shorter, simplified version of the ACOP. The Docks Regulations should be revoked in October 2013 with a coming into force date of April 2014. We would then rely on other regulations to ensure the same standard of health and safety requirements in docks. The new ACOP & guidance would signpost detailed guidance produced by the Ports industry (planned for completion by April 2014). The replacement ACOP would be published in April 2014 when the revocation of the Docks Regulations comes into force.
- In light of the consultation feedback, specific aspects of the consultation proposal represented by Option 2 have been modified. These modifications are presented as Option 3, and represent HSE's considered proposal following consultation;
- HSE originally consulted on a option 2 which proposed the revocation of the Docks Regulations and the withdrawal of the ACOP. Option 3 is a revised version of option 2 that was developed following representation from some stakeholders during the original public consultation process. Paragraphs 25-27 and annex 1 summarise the responses to the first consultation. The analysis of the costs and benefits has been updated to reflect the current, revised option which is a movement back towards the baseline option.
- It is important to note that as the underlying legal duties have not changed then the ACOP will not change behaviour. In addition the replacement ACOP will be a simplified version of the existing ACOP so redundant and outdated text will be removed and guidance text inserted to signpost readers to current industry and HSE guidance.

Consultation and data analysis

- Consultation consisted of both formal and informal elements. The first formal consultation on the original proposal to revoke the Docks Regulations and withdraw the supporting ACOP took place between 3 April 2012 and 4 July 2012 and the results are summarised below.
- Thirty three (33) responses were received which answered at least one of the questions in the CD in relation to the Docks Regulations. In addition 6 written responses were received that commented on the Docks Regulations but didn't specifically answer the given questions.
- Annex 1 provides more detail of formal consultation responses. Table 1 summarises the organisations that responded and the proportion of the respondents within these organisations compared to total responses. Table 2 gives a summary of the responses to the specific questions in the consultative document. The results were that:

- Question 5.1 Do you agree with the proposal (as outlined in the Annex) to revoke the Docks Regulations 1988 and for HSE to withdraw its approval of COP25

Of the 33 responses to the question, 28 (over 80%) said Yes and 5 said No. There were also six written responses that did not directly answer any of questions 5.1, 5.2 or 5.3. Three of these responses appeared to disagree with the proposal.

Of the 28 respondents to this question that said 'Yes', 3 made qualified comments. Of these 2 said 'Yes' provided there is no lowering of health and safety standards. One also highlighted the need for an appropriate awareness-raising and communication exercise.

Of the 5 respondents to this proposal that said 'No', 4 made qualified comments. In addition, comments were received in the six written responses.

The following reasons were given either by direct response to this question or via the general written responses:

- It would result in the Docks Regulations being replaced with guidance
- Contravenes HSWA, S.1(2) as there will be a reduction in standards
- Use of more general regulations will result in difficulties in interpretation
- Revocation might send out signal that wider safety culture promoted by Regulations and ACOP is being relaxed.
- Docks should have specific regulations due to their hazardous nature.
- Significant enforcement is undertaken using the Regulations so they are still relevant.

There was also a concern raised by 7 responders that there was a lack of evidence in the CD about what will replace the Docks Regulations and ACOP to make a reasoned judgement.

- Question 5.3 Would this revocation and the withdrawal of the ACOP have any implications (positive or negative) for business, workers or others that HSE has not identified?

Of the 26 responses we received on this question, 23 (almost 90%) said No and 3 said Yes. Written responses also included comments that could be considered under this question (also Q5.1)

Implications identified include:

- It might send out a signal that the wider safety culture promoted by the existence of the Regulations and ACOP is being relaxed.
- Safety standards could be affected with no clear guidelines for employers managers and employees
- It will take time for an employer to read and understand the revocations and introduce general confusion.
- It will be especially beneficial as regards medical fitness.
- After revocation, regulations affecting ports will be Goal-Seeking instead of Prescriptive, which allow greater flexibility to provide management interventions that work for each individual situation.

At the time, the responses to the consultation show that the significant majority of the respondents agree with HSE's view that this legislation is no longer required. However concerns continue to be raised about the loss of information following the withdrawal of the ACOP. The docks industry have completed a gap analysis to identify where the withdrawal of the ACOP will leave a gap in guidance and are currently working in conjunction with HSE to publish new guidance.

- Analysis also included examining HSE records on the use of these sets of Regulations over the last 13 years. During this time, the Docks Regulations have been cited 56 times on Notices and 38 times in approved prosecution activity. However the use of the Docks regulations is often in conjunction with other sets of regulations. In the instances where the Docks Regulations alone have been cited in enforcement action, there are other existing legal provisions that would cover the circumstances. Furthermore analysis shows that the enforcement action taken under the Docks Regulations is mainly historic, the majority of which occurred more than 5 years ago. It should also be noted that over the last 13 years, legislation other than the Docks Regulations has been used extensively in enforcement action against companies in the Docks industry.
- In order to obtain information for this impact assessment, a presentation and information gathering exercise was conducted at a meeting of the Port Skills and Safety (PSS) Group. PSS are a trade association that is open to all port related organisations. PSS has an extensive membership amongst the ports industry. The aim of PSS is to encourage and promote high standards of health and safety and a highly skilled workforce within the ports industry. The PSSG meeting concerned attracted approximately 50 delegates from the ports industry. Analysis presented in this impact assessment was largely derived from feedback from that group.
- Following representation from some stakeholders during the first consultation, the HSE Board decided to retain a shorter, simplified ACOP based on duties under the Health & Safety at Work etc Act 1974 and relevant statutory provisions. The second consultation took place between 9th April 2013 and 22nd May 2013 and focussed on the text of the shorter, simplified ACOP.

- An overview of the responses is attached at Annex 2. The CD was structured to allow stakeholders to consider and comment on the areas of the proposed ACOP that interested them so the number of responses for each section does vary. Of the 25 responses received, the majority agreed that the proposed ACOP text provides a clear and appropriate representation of a preferred method of compliance (working practice) in a modern port or dock environment. There were however concerns from significant stakeholders on some of the detail. A summary of these and HSE's initial analysis of them is attached at Annex 2.

Monetised and non-monetised costs and benefits of each option (including administrative burden);

General Assumptions

- Costs and benefits are not assessed over 10 years as all one-off costs are anticipated to occur in year 1.
- No discount rate is used due to all monetised costs occurring in year 1 and any benefits / cost savings being monetised.
- The year of analysis is 2013. The regulatory change would come into force in October 2013 (subject to Board approval) but it is expected that any one-off costs will take place in 2013 as dutyholders familiarise themselves with the changes in advance of the regulatory changes.
- Industry costs per hour are assumed to be approximately £30. This is based on costs presented in the Annual Survey of Hours and Earnings (Table 14 - 2010) (Office for national statistics)¹ and up-rating by 30% to allow for non-wage costs (in accordance with the Green Book)
- Figures presented in this IA are, in general, rounded to two significant figures; however, calculations are based on non-rounded numbers. Given this, some figures presented may not add up to the totals presented.
- Time estimates (for example, familiarisation and changes to training) presented within the evidence base have been derived through consultation with industry as detailed in paragraph 26.
- Option 1: do nothing - Option 1 would maintain the status quo and so would have no cost or benefit implications.
- Option 2 would result in one-off costs to industry in terms of familiarisation and changes to training and material and benefits / cost-savings in terms of ongoing familiarisation and reducing the perception that health and safety legislation is complex and over burdensome.

¹ See <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-200444>

- Option 3 would have no costs to industry in terms of familiarisation and minimal costs in terms of changing training materials as the ACOP will still exist, albeit in a shorter and simpler format. The costs from updating training materials will therefore be smaller than those associated with option 2.
- The evidence for this assessment is set out below. Evidence was gathered based on the original proposal (option 2) therefore; sector experts were consulted to triangulate the evidence based on option 2 to present a proportionate assessment of the impacts of option 3.

Evidence on the current level of use of the SI

- HSE's initial assessment was that this SI is currently used by businesses and so its revocation would impose one-off costs. This initial assessment was presented to the industry via the Port Skills Safety group meeting detailed in paragraph 27 where there was general support and agreement with the assessment. The following costs to business estimates have been based on information received from this meeting (and triangulated with sector expert opinion and responses from IA specific questions at consultation).
- Although a consultation stage IA was not produced for assessing the impacts of the removal of the Docks Regulation, formal consultation was used to gather information for the analysis presented here.
- While consultation responses are undoubtedly biased, those that responded are likely to be the more engaged and most likely to know/use the statutory instruments analysed in this IA. Hence, this group would be the most likely to know details of the costs to business.

Costs to business

Option 2

- For option 2 there will be costs to business in terms of one-off familiarisation and for updating training courses and training materials.
- In formal consultation, respondents were asked to estimate the time it would take for affected dutyholders to read and understand the proposed changes. Responses ranged from "zero" to "30 - 40 hours". The majority of respondents said it would take 40 minutes or less, with the modal response being 20 minutes, we use this estimate for our calculations. This is also consistent with time estimates collected at consultation for the revocation of the Ship-building and Ship Repair Regulations.
- Using the *Inter-Departmental Business Register (IDBR - premises)*, we estimate that there are in the region of 2900 dutyholders that would need to familiarise themselves with the changes (see table 1 below for SIC codes used). This is on the basis that one person from each site would need to get up to speed with the changes and communicate this to the rest of the business. However, on the basis of the number of SMEs in the industry who are unlikely to know about the regulation or the proposed changes and communication that has already happening with industry, we estimate that approximately 40% of these will not familiarise themselves with the changes. Therefore if approximately 1700

dutyholders spend 20 minutes on familiarisation at a cost of £30 per hour (see paragraph 29 for hourly cost assumption), there would be a one-off familiarisation cost in the region of £17 thousand.

Table 1: Standard Industrial Classifications

SIC	Description
5010	Sea and coastal passenger water transport
5020	Sea and coastal freight water transport
5030	Inland passenger water transport
5040	Inland freight water transport
5222	Service activities incidental to water transportation (harbours, locks, lighthouse)
5224*	Cargo handling

- SIC code 5224 includes cargo handling for water transport activities but also for air and land transport activities where there is no available breakdown for the number of premises; therefore this is an overestimate for the number of dutyholders that the regulation applies to. However, the use of this SIC code is consistent with official figures used in Docks reports.
- Industry would also need to update current training courses and training materials. Industry estimated (at the meeting described in paragraph 29) that it would take, on average, two hours to revisit materials and make the relevant changes and that each business location would need to up-date their training material. Using the same assumptions as for familiarisation, this would result in a one-off cost in the region of £100 thousand.
- Training materials would need to be printed on a regular basis and therefore the costs associated with this are deemed to be negligible.
- There will also be updates to HSE guidance which HSE do in consultation with industry, however, this is an ongoing process which would have happened irrespective of the revocation of the Docks Regulations and therefore, we anticipate that their removal will have a negligible impact.
- Total one-off costs to business are therefore expected to be in the region of £120 thousand.

Option 3

- HSE do not expect there to be any costs in terms of familiarisation as the ACOP associated with the regulation will not be removed. This means that dutyholders will continue with their normal practice in terms of determining their duties. There will however, be a change in the text of the ACOP which will be shorter, simpler and act as a sign-post to detailed guidance. This could imply a small cost-saving for new dutyholders who will no longer have duplicate guidance to read, as well as to existing businesses, if they need to refer back to the ACOP periodically..
- HSE expect that there will still be some dutyholders that update training courses and materials; however, this will require a much lower level of input and is more likely to be as part of a regular review and update. While costs have not been

calculated for this, it is expected to be substantially lower than the £100 thousand estimated under option 2.

- HSE expect that there will be a negligible overall costs associated with option 3.

Costs to HSE: options 2 and 3

- HSE will be involved in updating guidance and ensuring that industry is suitably informed of the proposed changes. HSE is not planning a large scale communications campaign and any work resulting from the revocation would form part of HSE ongoing work in the sector, therefore, there will be no additional costs to HSE as a result of revoking the Regulations.

Benefits and impact on health and safety: options 2 and 3

- As previously described, these are redundant SIs and therefore are not intended to have any impact on health and safety protection as such, their removal will have no impact on health and safety protection. When appropriate, adequate controls are maintained through more modern legislation.
- There is also an overarching benefit which is to simplifying the legislative framework and the movement from prescriptive to goal setting legislation was quoted as also being a benefit.
- HSE's initial consultation also highlighted the costs from potential confusion and the potential for a reduction in level of health and safety standards. However, it was a small minority of respondents who raised that issue, with most stakeholders consulted (both at that stage and on dialogue with industry) not considering this a problem.
- Additionally, the revocation of the Docks Regulations would not lower the legal protection of workers, as it would not result in changes to current duties or the ability for HSE to enforce these duties. Accordingly, employers and workers would not need to alter their behaviour in any way, and this would result in no impacts on health and safety from the proposal.
- HSE recognises that some people see the risk to health and safety standards as a real issue of this revocation. The concerns highlighted in consultation and HSE's response to these are considered in the "Risks and Assumptions" section.
- Given that the ACOP associated with the regulation is going to be replaced with a shorter, simplified one that does not alter their legal duties, it could be expected that dutyholders may benefit from small time savings (see paragraph 49). These savings would be an annual benefit. The text for the ACOP will not be finalised until just before it is published in April 2014. Therefore is not possible to estimate the savings it creates. However, it is expected that, over a ten year period it would be greater than the costs of this deregulatory proposal.

Rationale and evidence that justify the level of analysis used in the IA (proportionality approach);

- Although a consultation stage IA was not produced for assessing the impacts of the removal of the Docks Regulation and associated ACOP, formal consultation was used to gather information for the analysis presented here.
- Analysis of HSE records and consultation (internal and external) both identified the proposed SIs as redundant or have been overtaken by more modern legislation. A proportionate cost analysis has been presented above.
- While consultation responses are undoubtedly biased, those that responded are likely to be the more engaged and most likely to know/use the statutory instruments analysed in this IA. Hence, if there were any costs to business, this group would be the most likely to know about it. Furthermore, consultation responses have been triangulated with responses from informal consultation and a comprehensive discussion with industry representatives as detailed in paragraph 29.
- There remain some uncertainties of the impacts of the policy proposal that it would not be proportionate to estimate, these are detailed in the following section.

Risks and assumptions;

- HSE's initial assessment was that these legislative measures were either redundant or had been overtaken by other more modern regulation so there would be no risk associated with them being revoked. This assessment was agreed with at the time by those industry representatives at the Port Safety and Skills group meeting described in paragraph 27.
- The majority of those who responded to the consultation question on the Docks Regulations agreed with the proposals.
- However, when specifically asked if there were any other impacts of the removal, the following issues were raised:
 - The proposal results in a move away from prescriptive methods to goal-seeking. This could lead to difficulties of interpretation and "waiting to hear the right answer" from court cases
 - Communication needs to take pace to ensure people are aware that duties still remain, it is just elsewhere in legislation
 - Will always be some level of confusion – example given that some people still refer to previous acts that were removed
 - HSE need to ensure that the standard of health and safety is maintained

The change from a prescriptive to goal setting legislative framework has been raised as both a positive and negative aspect of the revocation proposals.

- Goal setting legislation allows duty holders to chose the most appropriate methods or equipment available to meet the legal requirements (though it can be seen as introducing a level of uncertainty). Businesses are already complying with a range of goal setting Regulations such as the Lifting Operations and Lifting Equipment Regulations (LOLER) so removing prescriptive legislation should

assist dutyholders (once they are familiar with the changes) because they have to comply with only one, goal setting, framework.

- Concerns in terms of communication and confusion should be addressed through the ongoing communication HSE has, and will continue to have, with industry.
- Thus, although it is not possible to estimate the extent of the impact, we would expect the long term overall impact of moving to goal-seeking regulation to be positive.

Direct costs and benefits to business calculations (following OIOO methodology);

- This deregulatory measure is within scope of One In Two Out and is deemed as being a zero net cost.

Wider impacts

- There would be no wider impacts as a result of this simplification.

Summary and preferred option with description of implementation plan.

The preferred option is Option 3 . This is based on the analysis of, and the responses to both the first and second consultations. It is considered that the Docks Regulations 1988 can be revoked without any lowering of health and safety standards in workplaces.

Annex 1 – Responses to first consultation

Table 1

a) Type of organisation

Option	Number of respondents	Percentage of total (%)
Academic	4	12
Consultancy	0	0
Local government	5	15
Industry	12	36
Trade association	3	9
National government	0	0
Non-departmental public body	2	6
Charity	2	6
Trade union	0	0
Non-governmental organisation	0	0
Member of the public	0	0
Pressure group	0	0
Other (please specify)	0	0
Not stated	5	15
Total	33	

In addition to the breakdown of the responses above, of the 6 written responses we received, 5 were from Trade Unions and 1 was from a Trade Association.

b) Capacity of respondent

Option	Number of respondents	Percentage of total (%)
Health and Safety professional	5	15
An employer	12	36
An employee	0	0
Trade union official	0	0
Training provider	4	12
Other (please specify)	7	21
Not stated	5	15
Total	33	

In addition to the breakdown of responses above, of the 6 written responses we received, 5 were from Trade Union Officials and 1 was from a Trade Association.

Table 2

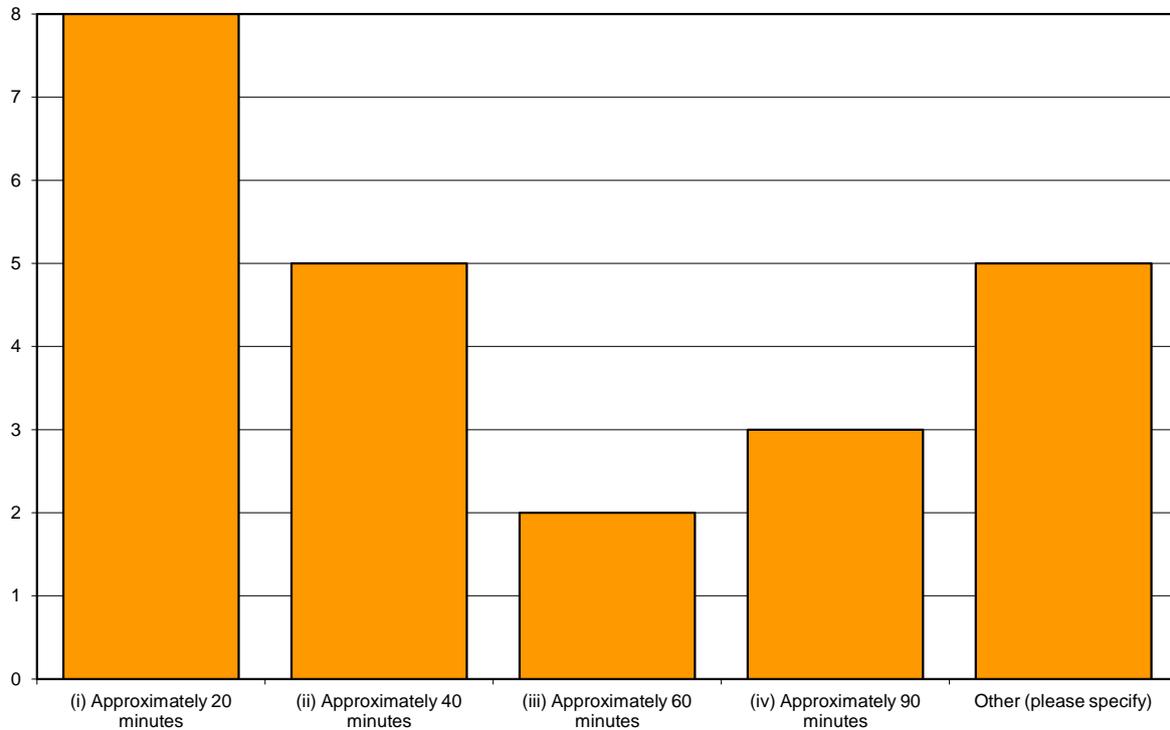
Question 5.1 Do you agree with the proposal (as outlined in the Annex) to revoke the Docks Regulations 1988 and for HSE to withdraw its approval of COP25

Option	Number of respondents	Percentage of total %
Yes	28	85
No	5	15
Total	33	100

In addition six written responses were received that did not specifically answer Question 5.1. Two of these expressed the view that these Regulations should not be revoked. A further three call for a revision of the regulations and retention of those parts that are still required to maintain current legal standards.

Comments made to support the responses
<p>‘Yes’ respondents’ comments</p> <p>We received 3 additional comments both via the questionnaire and written responses. Amongst these comments, these key points were raised:</p> <ul style="list-style-type: none"> • Yes provided there is no lowering of health and safety standards – 2 responses • Need to ensure that there is an appropriate awareness-raising and communication exercise – 1 response <p>‘No’ respondents’ comments</p> <p>We received 10 comments both via the questionnaire and written responses that were against revocation. Amongst these comments, these key points were raised:</p> <ul style="list-style-type: none"> • Lack of evidence to allow responders to make a judgement – 7 responses • Docks Regulations will be replaced by guidance – 8 responses • Contravenes HSWA, S.1(2) as there would be a reduction in standards – 1 response • Use of more general regulations will result in difficulties in interpretation – 3 responses • Docks should have specific regulations due to their hazardous nature – 9 responses • Revocation might send out the signal that the wider safety culture promoted by Regulations and ACOP is being relaxed – 4 responses • Significant enforcement is undertaken using the Regulations so they are still relevant – 5 responses

Question: Q.5.2 To help HSE prepare the Impact Assessment please consider how long you estimate it will take for an employer to appreciate that this revocation will not change their day to day operations?



Comments made to support the responses

Within the “Other” category, the following responses were received:

- None - 2 responses
- Not applicable – 1 response
- No experience – 1 response
- 2-3 hours – 1 response

Question: Q.5.3 Would this revocation and the withdrawal of the ACOP have any implications (positive or negative) for businesses, workers or others that HSE has not identified?

Option	Number of respondents	Percentage of total %
Yes	23	88
No	3	12
Total	26	

Comments made to support the responses

‘Yes’ respondents’ comments

- it will take time for an employer to read and understand the revocations and introduce general confusion.
- Safety standards could be affected with no clear guidelines for employers managers and employees

- it will take time for an employer to read and understand the revocations and introduce general confusion.
- it will be especially beneficial as regards medical fitness.
- After revocation, regulations affecting ports will be Goal-Seeking instead of Prescriptive, which allow greater flexibility to provide management interventions that work for each individual situation.

‘No’ respondents’ comments

- No comments received

Other comments received in written form

- It might send out a signal that the wider safety culture promoted by the existence of the Regulations and ACOP is being relaxed.
- If it is proposed to replace the ACOP with an industry code, could have an implication for safety going forward depending both on the drafting of the code and the seriousness with which it is regarded by businesses and others concerned.

Annex 2 – Responses to second consultation

The consultation received 25 responses. The majority agreed that the proposed ACOP text provides a clear and appropriate representation of a preferred method of compliance (working practice) in a modern port or dock environment. There were however concerns from significant stakeholders on some of the detail.

Table 1 summarises the type of organisations that responded as well as the capacity of the respondents.

Table 2 summarises the proportion of respondents that agreed 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 for each particular topic.

Table 1

a) Type of organisation

Option	Total	Percentage of total (%)
Academic		
Consultancy	3	12
Local government		
Industry	9	36
Trade association	4	16
National government	3	12
Non-departmental public body	1	4
Charity		

Trade union	1	4
Non-governmental organisation		
Member of the public		
Pressure group		
Other (please specify)		
Not stated	4	16
Total	25	100%

b) Capacity of respondent

Option	Total	Percentage of total (%)
Health and Safety professional	8	32
An employer	2	8
An employee		
Trade union official	1	4
Training provider	2	8
Consultant	1	4
Not stated	11	44
Total	25	100%

Table 2 - Question 1 - 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?

	YES	NO
	Number & percentage of respondents	Number & percentage of respondents
<u>a) Workplace transport</u>	7 (58%)	5(42%)
<u>b) Working at height</u>	7(54%)	6(46%)
<u>c) Lifting operations</u>	9(69%)	4(31%)
<u>d) Slips and trips</u>	12 (100%)	0
<u>e) Transport by Water</u>	10(77%)	3(23%)

<u>f) Rescue and lifesaving</u>	7(54%)	6(46%)
<u>g) Personal protective equipment</u>	11(85%)	2(15%)

Analysis of response content:

Amongst the text comments, some key points raised included:

- Level of detail - 4 respondents noted that there was not enough detail in the ACOP, however 2 other respondents liked the shorter format.
- Need for new ACOP paragraphs - One respondent felt that additional ACOP paragraphs should be included to cover other relevant hazards e.g. securing of loads.
- One respondent felt that one particular ACOP paragraph restricted the enforcement activities of another Government agency.
- Three particular ACOP paragraphs were felt to conflict with other legislation namely Lifting Operations and Lifting Equipment Regulations 1998 and The Provision and Use of Work Equipment Regulations 1998
- Two responses felt that the ACOP did not reflect a modern port and the ACOP phrases needed modernising. One respondent provided examples of possible updated paragraphs.
- A number of respondents felt that the current text in some areas was too generic in its current form and needed to better reflect the workings and specific issues found whilst working in ports/docks;
- Nine respondents identified additional topics that they felt should be included. These included noise, offshore wind industry, training, mooring, ionising radiation (3 responses), working time, fatigue, fire safety and chemical hazards.
- One respondent raised a concern regarding the clarity and inter-relationship between guidance and ACOP phrases.
- One respondent commented that the ACOP would not provide a reference document for the ports industry.
- One respondent felt that the ACOP principally covered safety in ports and should be re-titled 'Health & Safety in Ports'
- One respondent was concerned about the short timescale to introduce a new ACOP.

In addition to these, a number of drafting and editorial comments were put forward by the respondents, which will be incorporated into subsequent drafts of the ACOP.

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Proposal relating to a revised Approved Code of Practice (ACOP) - "Safety in Docks", drafted by the HSE, which HSENI proposes to approve for use in Northern Ireland.

Is this an existing, revised or a new policy?

Revised

What is it trying to achieve? (intended aims/outcomes)

This ACOP and guidance provides practical guidance on how to comply with the requirements of the Health and Safety at Work etc. Act 1974. The equivalent legislation in Northern Ireland is the Health and Safety at Work (Northern Ireland) Order 1978 .

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

The benefits from the ACOP and guidance will apply equally to all S75 categories and to others affected by the guidance.

Who initiated or wrote the policy?

The Health and Safety Executive in Great Britain

Who owns and who implements the policy?

Subject to approval for use in Northern Ireland the policy is owned and implemented in Northern Ireland by the Health and Safety Executive for Northern Ireland.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify - This Approved Code of Practice and guidance covers safety in dock operations and is aimed at those who have a duty to comply with provisions of the Health and Safety at Work Order (Northern Ireland) 1978. This includes people who control dock premises, suppliers of plant and equipment, dock employers, managers, safety officers, safety representatives and workers.

Other policies with a bearing on this policy

- what are they?

The Löfstedt review of health and safety legislation 'Reclaiming health and safety for all'. A UK Government independent review to make proposals for simplifying health and safety law.

- who owns them?

Department for Work & Pensions

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	Although there is no available data the revisions to the ACOP and guidance apply equally beneficially to all Section 75 categories and others.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	Although there is no available data the revisions to the ACOP and guidance apply equally beneficially to all Section 75 categories and others.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 Category	Details of policy impact	Level of impact? minor/major/none
Religious belief	Revisions to the ACOP and guidance on how to comply with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 in docks specific situations. It is proposed that the ACOP should be approved for use in Northern Ireland.	None. The revisions to the ACOP and guidance have no bearing on equality of opportunity.
Political opinion	As above	As above
Racial group	As above	As above
Age	As above	As above
Marital status	As above	As above
Sexual orientation	As above	As above
Men and women generally	As above	As above
Disability	As above	As above
Dependants	As above	As above

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		The revisions to the ACOP and guidance will apply equally beneficially to all of the Section 75 Groups and to other groups and have no relevance to the promotion of equality of opportunity.
Political opinion		As above
Racial group		As above
Age		As above
Marital status		As above
Sexual orientation		As above
Men and women generally		As above
Disability		As above
Dependants		As above

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?		
Section 75 category	Details of policy impact	Level of impact minor/major/none
Religious belief	Revisions to the ACOP and guidance on how to comply with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 in docks specific situations. It is proposed that the ACOP should be approved for use in Northern Ireland.	None. The revisions to the ACOP and guidance have no bearing on good relations between people of different religious belief, political opinion or racial group.
Political opinion	As above	As above
Racial group	As above	As above

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		The revisions to the ACOP and guidance will apply equally beneficially to all of the Section 75 Groups and to other groups and have no relevance to the promotion of good relations between people of different religious belief, political opinion or racial group.

Political opinion		As above
Racial group		As above

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Although there is no available data the revisions to guidance will apply equally to all of the Section 75 Groups and adverse impact on people with multiple identities is not anticipated.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The provisions of the proposed revised ACOP and guidance will apply universally and would be expected to benefit, rather than adversely impact, all of the Section 75 groups equally and to the same extent as other groups.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

The provisions of the proposed revised ACOP and guidance will apply universally and would be expected to benefit, rather than adversely impact, all of the Section 75 groups equally. There are therefore no grounds for mitigation or alternative policies.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

Name of Consultees

Action on Hearing Loss
Age NI
Age Sector Platform
Agency for the Legal Deposit Libraries
Airtricity
Alliance Party
Allpipe Engineering Ltd.
Amalgamated Engineering and Electrical Union
AMEY BPO
An Munia Tober
Archbishop of Armagh and Primate of all Ireland
Ards Business Centre Ltd.
Argyle Business Centre Ltd.
Armagh Business Centre Ltd.
Aspergers Network
Association of British Insurers
Association of Consulting Engineers (NI Branch)
Association of Independent Advice Centres
Association of Local Authorities of Northern Ireland
Association of Teachers and Lecturers
Association of University Teachers
Atlas Environmental NI
Attorney General (NI)
Autism Northern Ireland
Bakers, Food and Allied Workers Union
Ballymena Business Centre Ltd.
Banbridge Enterprise Centre
Bar Council
Barnardos
Belfast Centre for the Unemployed
Belfast City Centre Management
Belfast Education and Library Board
Belfast Harbour Commissioners
Belfast Harbour Police
Belfast Health and Social Care Trust
Belfast Hebrew Congregation
Belfast Islamic Centre
Belfast Marine Engineering Employers' Association
Belfast Solicitors Association
Bishop of Down and Connor
Board of Deputies of British Jews
Borough Councils
British Chemical Distributors and Traders Association
British Clothing Industry Association (NI)
British Library – Legal Deposit Office

British Medical Association
British Oxygen Company
Bryson House
Budget Energy Ltd.
Buildhealth NI
Business in the Community
Calor Gas (NI) Ltd.
Cancer Focus Northern Ireland
Cara-Friend
Carers NI
Carlingford Lough Commission
Carrickfergus Enterprise Agency Ltd.
Catholic Bishops of Northern Ireland
Causeway Enterprise Agency Ltd.
Cedar Foundation
Central Services Agency
Chadwyck-Healey Ltd.
Chartered Institute of Environmental Health, NI
Chartered Institute of Marketing
Chemical Business Association
Chief Constable Police Service of Northern Ireland
Child Care Northern Ireland
Children in Northern Ireland
Children's Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association
Cinematograph Exhibitors' Association
City Councils
Civil Law Reform Division
Civil Service Occupational Health Service
Coleraine Harbour Commissioners
Colloide Engineering Systems
Commission for Victims and Survivors
Commissioner for Children and Young People for NI
Commissioner for Older People for Northern Ireland
Committee on the Administration of Justice
Communication Access
Communication Workers' Union (CWU)
Community Foundation for Northern Ireland
Community Relations Council
Community Relations Training Learning Consortium
Community Union
Confederation of British Industry
CONNECT
Construction Employers' Federation
Construction Industry Training Board

Cookstown Enterprise Centre Ltd.
Coolkeeragh Power Ltd.
Co-Operation Ireland
Council for Catholic Maintained Schools
Countryside Services Ltd.
Courts and Tribunal Service
Craigavon Industrial Development Organisation Ltd.
Creggan Enterprises Ltd.
Deaf Association Northern Ireland
Democratic Unionist Party
Derry Well Woman
Desmond and Sons Ltd.
Disability Action
District Councils
Donaghadee Harbour Office
Down's Syndrome Association
Driver and Vehicle Testing Agency
Driver Training Services
Du Pont (UK) Ltd.
Dungannon Enterprise Centre Ltd.
East Belfast Community Development Agency
East Belfast Enterprise Park Ltd.
East Belfast Partnership Board
Eastern Group Environmental Health Committee
Employers For Disability NI
Electric Ireland
Energia
Engineering Employers' Federation NI (EEF)
Engineering Training Council
Engineers' and Managers' Association (EMA)
Equality Coalition
Equality Commission
Equipment Hire Association of Northern Ireland Ltd
Equity
Executive Council of the Inn of Court of NI
Falls Community Council
Federation of Small Businesses
Federation of Petroleum Suppliers
Federation of the Retail Licensed Trade (NI)
Fermanagh Enterprise Ltd.
Fire Brigades Union
Firmus Energy
Food Standards Agency Northern Ireland
Forensic Science Agency of Northern Ireland
Fortress Pro-Tec Ltd
Foyle Meats

Foyle Women's Information Network
FPA NI (formerly Family Planning Association)
Freight Transport Association
General Consumer Council for Northern Ireland
Gingerbread Northern Ireland
Glass and Glazing Federation
GMB
Graphical Paper and Media Union
Gray & Adams (Ireland) Ltd
Greater Shankill Partnership
Green Party
Guide Dogs for the Blind Association
Harland and Wolff Heavy Industries Ltd.
Health and Safety Executive
Health and Social Care Board
Heating and Ventilating Contractors' Association
Heron Brothers Ltd.
HM Council of County Court Judges
HM Revenue and Customers
Home Retail Group
Inclusive Mobility and Transport Advisory Committee (IMTAC)
INCORE Conflict Resolutions Ltd.
Indian Community Centre
Independent Political Parties
Information Commissioner's Office
Institute of Acoustics
Institute of Directors
Institute of Directors (NI Division)
Institute of Professionals, Managers and Specialists (IPMS)
Institute of Quarrying
Invest NI
Irish Bank Officials Association
Irish National Teachers Organisation
James G McAlorum Ltd.
John Mackle (Moy) Ltd.
Joint Industry Board for the Electrical Engineering Industry
Judge McKibbin
Justice for Asbestos Victims
Kesh Development Association Charitable Trust
Labour Party
Labour Relations Agency
Lagan Group
Larne Development Forum
Larne Harbour Ltd
Law Centre (NI)
Law Society of Northern Ireland

Lilliput Services
Local Government Staff Commission for NI (LGSC)
Londonderry Port & Harbour Commissioners
Lord Chief Justice Office
Magherafelt Women's Group
Mallusk Enterprise Park
Maritime and Coastguard Agency
Mastic Asphalt Federation (NI)
McClay Library, QUB
Mr B McClintock
McGrigors, Solicitors
MENCAP
Methodist Church in Ireland
Mindwise
Ministry of Defence
MPs & MEPs (NI)
Mr George Condell
Mr Richard Steele
Musicians Union
National Association of Schoolmasters/Union of Women Teachers
National Association of Teachers in Further and Higher Education
National Collection of NI Publications
National Library of Ireland
National Union of Rail, Maritime and Transport Workers
Newry and Mourne Enterprise Agency
Newry and Mourne Senior Citizen's Consortium
Newry and Mourne Women
Newtownabbey Senior Citizen's Forum
NI21
NI-CO (Northern Ireland Public Sector Enterprises Ltd)
NIGEN
North Belfast Partnership
North City Business Centre Ltd.
North Down Development Organisation Ltd.
North Eastern Education and Library Board
North / South Ministerial Council
North West Community Network
North West Forum of People with Disabilities
North West Industrial Health and Safety Group
Northern Group
Northern Group Systems
Northern Health and Social Care Trust
Northern Ireland African Cultural Centre
Northern Ireland Agricultural Producers' Association
Northern Ireland Assembly Library
Northern Ireland Assembly Members

Northern Ireland Assembly – The Speaker
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Audit Office
Northern Ireland Authority for Utility Regulation
Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Bakery Council
Northern Ireland Bankers' Association
Northern Ireland Centre for Competitiveness
Northern Ireland Chamber of Commerce
Northern Ireland Chamber of Trade
Northern Ireland Committee/Irish Congress of Trade Unions
Northern Ireland Commissioner for Children and Young People
Northern Ireland Conservative Association
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Integrated Education
Northern Ireland Council for the Curriculum, Examinations and Assessment
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Dairy Association
Northern Ireland Economic Research Centre
Northern Ireland Environment Link
Northern Ireland Fire and Rescue Service
Northern Ireland Fishery Harbour Authority
Northern Ireland Gay Rights Association
Northern Ireland Hotels Federation
Northern Ireland Housing Executive
Northern Ireland Human Rights Commission
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association
Northern Ireland Master Plumbers' Association
Northern Ireland Occupational Health and Safety Group
Northern Ireland Oil Federation
Northern Ireland Polymers Association
Northern Ireland Prison Service
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Quarry Owners' Association
Northern Ireland Railways
Northern Ireland Resident Magistrates' Association
Northern Ireland Safety Group
Northern Ireland Spinners Ltd.
Northern Ireland Statistics and Research Agency (NISRA)
Northern Ireland Textiles and Apparel Association Ltd
Northern Ireland Timber Trades' Association
Northern Ireland Tourist Board

Northern Ireland Women's European Platform
NSPCC, Northern Ireland Regional Office
NUS/USI
NW Community Network
Occupational Health Service
Office of Industrial Tribunals
Omagh Enterprise Co. Ltd.
Omagh Women's Area Network
Ormeau Enterprises Ltd.
Participation the Practice of Rights Project
Pass International
PDA Consultant Engineers
Peter Scott Health and Safety
Pharmaceutical Society of Northern Ireland
Phoenix Natural Gas
POBAL
Police Federation for Northern Ireland
Police Service of Northern Ireland
Portrush Harbour Company
Power NI (formerly NIE)
Premier Power Limited
Presbyterian Church in Ireland
PricewaterhouseCoopers
Prince's Trust
Progressive Unionist Party
Public Commerce Services Union (PCS)
Quarry Products Association NI
Queen's University
Richards PLC
Roads Service
Roman Catholic Church
Roy Coulter Consulting Ltd.
Royal College of Midwives
Royal College of Nursing of the UK (NI Board)
Royal Institution of Chartered Surveyors in Northern Ireland
Royal National Institute for the Blind (NI)
Rural Community Network
Rural Development Council
Safety Advice Centre
Save the Children
SDLP
Seagate Technology (Ireland)
Senior Citizens Consortium Sperrin Lakeland
Sense NI
Services Industrial Professional Technical Union (SIPTU)
Shorts Bombardier PLC

Sinn Fein
Skyglaze Architectural Systems Ltd.
Social Security Agency
Society of Local Authority Chief Executives
Society of Occupational Medicine
South Belfast Partnership Board
South Eastern Education and Library Board
South Eastern Health and Social Care Trust
South West Fermanagh Development Organisation Ltd.
Southern Education and Library Board
Southern Group Environmental Health Committee
Southern Health and Social Care Trust
Spence Bryson Limited
SRT Donnelly and Co.
St John Ambulance NI
Strabane Industrial Properties Ltd.
Staff Commission for Education and Library Boards
Sypol Ltd.
Tennants Textile Colours Ltd.
Tesco Stores Ltd.
Thermomax Ltd.
Townsend Enterprise Park Ltd.
Traditional Unionist Voice
Trainfield Construction Ltd.
Training for Women Network Ltd.
Translink
Transport Salaried Staff Association
Transport Training Services Ltd.
Transtec Automotive (Campsie) Ltd.
UK Independence Party
UK National Committee of UN Women
Ulster Farmers' Union
Ulster Furniture Federation
Ulster Scots Community Network
Ulster Teachers' Union
Ulster Unionist Party
Union of Construction, Allied Trades and Technicians (UCATT)
Union of Shop, Distributive and Allied Workers (USDAW)
UNISON (Northern Ireland)
Unite the Union
University of Ulster at Coleraine
Volunteer Centre
Volunteer Now
Visual Access NI (Braille, Audio and DAISY)
Warrenpoint Harbour Authority
Water Service

West Belfast Development Trust Ltd.
West Belfast Partnership Board
Western Education and Library Board
Western Group Environmental Service
Western Health and Social Care Trust
Westlink Enterprise Ltd.
William Keown Trust
Women's Forum NI
Women's Information NI
Women's Resource and Development Agency
Women's Support Network
Women's Training, Enterprise and Childcare
Workers' Party
Workspace
Youth Action Northern Ireland Gender Equality Unit