

**Council Directive 2009/13/EC of 16 February 2009
implementing the Agreement concluded by the European
Community Shipowners' Associations (ECSA) and the
European Transport Workers' Federation (ETF) on the
Maritime Labour Convention, 2006, and amending Directive
1999/63/EC**

TRANSPOSITION NOTE FOR MLC

TITLE : 4.3 Health and Safety Protection and accident prevention

Council Directive	Explanation
1. Each Member State shall ensure that seafarers on ships that fly its flag are provided with occupational health protection and live, work and train on board ship in a safe and hygienic environment.	Already covered by the existing Health and Safety Regulations associated M Notices and Codes of Practice including the Merchant Shipping Code of Safe Working Practices for Merchant Seamen See Annex 1
2. Each Member State shall develop and promulgate national guidelines for the management of occupational safety and health on board ships that fly its flag, after consultation with representative shipowners' and seafarers' organisations and taking into account applicable codes, guidelines and standards recommended by international organisations, national administrations and maritime industry organisations.	Already covered by the existing Health and Safety Regulations
3. Each Member State shall adopt laws and regulations and other measures addressing the matters specified in this Agreement taking into account relevant international instruments, and set standards for occupational safety and health protection and accident prevention on ships that fly its flag.	Already covered by the existing Health and Safety Regulations See Annex 1
Standard A4.3 — Health and safety protection and accident prevention	
1. The laws and regulations and other measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subjects:	
(a) the adoption and effective	The MCA already has an occupational health and safety awareness culture. It takes account of

Council Directive	Explanation
<p>implementation and promotion of occupational safety and health policies and programmes on ships that fly the Member State's flag, including risk evaluation as well as training and instruction of seafarers;</p>	<p>MAIB recommendations and considers the Approved Doctor Annual statistics regarding the seafarer Medical examination findings to assist in determining the issues which require promotion within the UK Maritime Industry. This promotion is done through a series of leaflets and posters. The UK has three series, these are Your Health at Sea, Safety Management and Your Safety at Sea.</p>
<p>(b) on-board programmes for the prevention of occupational accidents, injuries and diseases and for continuous improvement in occupational safety and health protection, involving seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures for collective and individual tasks, and the use of personal protective equipment; and</p>	<p>Existing MS Health and Safety regulations already require ships to have a health and safety policy and to apply health and safety regulations, including consultation with workers, information and training. The general principles of health and safety are set out in the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, regulation 5.</p>
<p>(c) requirements for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.</p>	<p>Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 regulation 15 and 19(2).</p> <p>The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 are also relevant both as regards the reporting and investigation of certain on-board occupational accidents.</p>
<p>3. The laws and regulations and other measures referred to in Regulation 4.3, paragraph 3, shall be regularly reviewed in consultation with the representatives of the shipowners' and seafarers' organisations and, if necessary, revised to take account of changes in technology and research in order to facilitate continuous improvement in occupational safety and health policies and programmes and to provide a safe occupational environment for seafarers on ships that fly the Member State's flag.</p>	<p>MCA consults regularly with social partners on health and safety issues, including through the National Maritime Occupational Health and Safety Committee.</p> <p>This existing compliance will be bolstered by the inclusion of a review clause in regulation 2(21) of the Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations.</p>
<p>4. Compliance with the requirements of applicable international instruments on the acceptable levels of exposure to workplace hazards on board ships and on</p>	<p>EC occupational exposure limits are implemented through specific MS Health and Safety Regulations on the following:</p> <p>Carcinogens and Mutagens</p>

Council Directive	Explanation
the development and implementation of ships' occupational safety and health policies and programmes shall be considered as meeting the requirements of this Agreement.	Biological Agents Chemical agents Noise Vibration Asbestos Artificial optical radiation
5. The competent authority shall ensure that:	
(a) occupational accidents, injuries and diseases are adequately reported;	MS (Accident Reporting and Investigation) Regulations 2012
(b) comprehensive statistics of such accidents and diseases are kept, analysed and published and, where appropriate, followed up by research into general trends and into the hazards identified; and	MAIB compiles statistics from reports received under the 2012 regulations and publishes these annually.
(c) occupational accidents are investigated.	MS (Accident Reporting and Investigation) Regulations 2012
6. Reporting and investigation of occupational safety and health matters shall be designed to ensure the protection of seafarers' personal data.	Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations 2(6) and (10) – regulations 11A and 16(1) of the as-amended 1997 Regulations. MS (Accident Reporting and Investigation) Regulations 2012 Reg 13 contains prohibitions on the disclosure of evidence submitted to accident investigators.
7. The competent authority shall cooperate with shipowners' and seafarers' organisations to take measures to bring to the attention of all seafarers information concerning particular hazards on board ships, for instance, by posting official notices containing relevant instructions.	Already in place - see A 4.3(a) above
8. The competent authority shall require that shipowners conducting risk evaluation in relation to management of occupational safety and health refer to appropriate statistical information from	Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations 2(5) insert new reg 7(4A) into the 1997 Regulations.

Council Directive	Explanation
their ships and from general statistics provided by the competent authority.	

ANNEX 1

EXISTING HEALTH AND SAFETY LEGISLATION

Year	No.	Name
1988	1637	<u>Merchant Shipping (Means of Access) Regulations</u>
1988	1638	<u>Merchant Shipping (Entry into Dangerous Spaces) Regulations</u>
1988	1641	<u>Merchant Shipping (Safe Movement on Board Ship) Regulations</u>
1988	2274	<u>Merchant Shipping (Safety at Work Regulations) (Non-UK Ships) Regulations</u>
1998	2857	<u>Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations</u>
1999	2205	<u>Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations</u>
2006	2183	<u>The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006</u>
2006	2184	<u>The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006</u>
2001	3444	The Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001
2007	3075	<u>The Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007</u>
2007	3077	<u>The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007</u>
2007	3100	<u>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007</u>
2010	323	<u>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010</u>
2010	330	<u>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010</u>
2010	332	<u>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010</u>
2010	2984	<u>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010</u>
2010	2987	<u>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010</u>