



MGN 90 (M+F) Amendment 2

Implementation of EC Directive 90/269/EC: The Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations 1998

Notice to all Owners, Operators and Managers of merchant and shipping vessels, employers of those working on such vessels, Masters/Skippers, Officers and Crew.

This notice should be read in conjunction with the regulations above and with MGN 636 (M) Amendment 1 and MGN 587 (F) Amendment 1 and replaces MGN 90 (M+F) Amendment 1.

Summary

This MGN gives advice on regulations regarding manual handling and the factors affecting the risks from manual handling, with particular reference to work on board merchant ships and fishing vessels.

It reflects the Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations (S.I. 2014/1616) (“the MLC Health and Safety amendments”) and the Merchant Shipping (Work in Fishing Convention) (Consequential and Minor Amendments) Regulations (S.I. 2018/1109) (the “Work in Fishing Consequential Amendments”). These two sets of Regulations extended the protection of health and safety legislation, which previously applied only to workers to seafarers and fishermen regardless of their employment status and applied the duties on employers also to shipowners and fishing vessel owners. References in this notice to “shipowners and employers” and “seafarers and other workers” therefore include fishing vessel owners and fishermen.

Amendment 2 does not contain any substantial amendment, only to update that MGN 20 (M+F) as previously referenced, has been replaced by MGN 636 (M) Amendment 1 for merchant vessels and MGN 587 (F) Amendment 1 for fishing vessels.

1. Introduction

- 1.1 The Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations 1998 (S.I. 1998/2857) (“the Manual Handling Regulations”) implemented for the maritime sector Council Directive 90/269/EC on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers and applied to UK ships and to other ships when in UK territorial waters. The Regulations place duties on employers to protect the health and safety of workers. The Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations (S.I. 2014/1616) (“the MLC Health and Safety amendments”) and the Merchant Shipping (Work in Fishing Convention) (Consequential and Minor Amendments) Regulations (S.I. 2018/1109) (the “Work in Fishing Consequential Amendments”) have extended the protection of health and safety legislation to seafarers and fishermen regardless of their employment status.



1.2 Copies of the Manual Handling Regulations are available from the Stationery Office, www.tsoshop.co.uk or downloaded from www.legislation.gov.uk

2. Health and Safety: Manual Handling

2.1 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1971 (S.I.1997/2962) (the “General Duties Regulations”) require employers to assess the risks to workers arising from their work, and to do what is reasonably practicable to control those risks.

3. Merchant Shipping and Fishing Vessel (Manual Handling Operations) Regulations 1998

3.1 The Manual Handling regulations address one particular area of risk - injury from manual handling of loads. They supplement and expand on the general duties contained in the General Duties Regulations. Musculo-skeletal injuries make up a significant proportion of reported injuries and accidents at sea.

3.2 The Manual Handling Regulations mirror land-based legislation made under the Health and Safety at Work Act.

4. Duties of shipowners and employers (regulation 5)

4.1 As with the General Duties regulations, the Manual Handling Regulations place duties on shipowners and employers, or, if that person is not “in control of the matter”, extend the duty to any person who is in control of the matter.

4.2 The shipowner and employer is required to take steps to avoid the need for seafarers and workers to carry out manual handling of loads which may cause injury, so far as is reasonably practicable. Since this is not always possible, the Manual Handling Regulations also require the shipowner and employer to carry out a risk assessment of any manual handling operations which present a risk of injury. The schedule to the Manual Handling Regulations, reproduced in the Annex to this notice, with some additional guidance, specifies factors which should be considered in preparing that assessment. Guidance on risk assessment is given in MGN 636 (M) and MGN 587 (F) Amendment 1.

4.3 Steps must be taken to reduce the risk of injury to the lowest possible level. Where reasonably practicable, information about the weight of any load and any off-centre weighting must be provided to seafarers and workers. This information may consist of “general indications” or “where it is reasonably practicable to do so, precise information”.

4.4 Seafarers and workers must also be provided with proper training and information on how to handle loads correctly, and of any risks to their health and safety from incorrect handling.

5. Duties of seafarers and workers (regulation 6)

5.1 Seafarers and workers are required to use any system of work the shipowner or employer has provided under the Manual Handling Regulations to reduce the risk of injury from the handling of loads.

6. Guidance

6.1 Guidance on the correct handling of loads is given in Chapter 10 of the Code of Safe Working Practices for Merchant Seafarers and Fishing Vessel Safety Codes.



More Information

Seafarer Services
Maritime and Coastguard Agency
Bay 2/17
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel: +44 (0) 203 8172498
e-mail: mlc@mcga.gov.uk

Website Address: www.gov.uk/government/organisations/maritime-and-coastguard-agency

General Enquiries: infoline@mcga.gov.uk

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