

## PROTECTION AGAINST ACCIDENTS (DOCKERS) CONVENTION (REVISED) 1932 (NO.32)

For the period **1 June 2017 to 31 May 2021** made by the Government of the United Kingdom of Great Britain and Northern Ireland, in accordance with Article 22 of the Constitution of the International Labour Organisation, on the measures to give effect to the provisions of

Ratification of which was registered on 10 January 1935

**I     *Please give a list of the legislation and administrative regulations, etc. which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.***

***Please give any available information concerning the extent to which these***

1.     Since the last report, the following regulations have been made or amended which are relevant to safety in dock work.

### Great Britain

- The Control of Asbestos Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/632/made>
- The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013 <http://www.legislation.gov.uk/uksi/2013/240/contents/made>
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013  
<http://www.legislation.gov.uk/uksi/2013/1471/made>
- The Acetylene Safety (England and Wales and Scotland) Regulations 2014  
<http://www.legislation.gov.uk/uksi/2014/1639/contents/made>
- The Heavy Fuel Oil (Amendment) Regulations 2014  
<http://www.legislation.gov.uk/uksi/2014/162/contents/made>
- The Construction (Design and Management) Regulations 2015  
<http://www.legislation.gov.uk/uksi/2015/51/contents/made>
- The Control of Electromagnetic Fields at Work Regulations 2016  
[http://www.legislation.gov.uk/uksi/2016/588/pdfs/uksi\\_20160588\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/588/pdfs/uksi_20160588_en.pdf)
- The Dangerous Goods in Harbour Areas Regulations 2016  
<http://www.legislation.gov.uk/uksi/2016/721/contents/made>
- The Explosives Regulations 2014 (Amendment) Regulations 2016  
<http://www.legislation.gov.uk/uksi/2016/315/contents/made>
- The Freight Containers (Safety Convention) Regulations 2017  
<http://www.legislation.gov.uk/uksi/2017/325/contents/made>

- [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(legislation.gov.uk\)](#)
- [The Ionising Radiations Regulations 2017 \(legislation.gov.uk\)](#)

## Northern Ireland

- The Control of Asbestos Regulations (Northern Ireland) 2012  
<http://www.legislation.gov.uk/nisr/2012/179/contents/made>
- Reporting of Injuries, Diseases & Dangerous Occurrences Regulations (NI) 1997  
<https://www.legislation.gov.uk/nisr/1997/455/contents/made>
- The Construction (Design and Management) Regulations (Northern Ireland) 2016  
<http://www.legislation.gov.uk/nisr/2016/146/contents/made>
- The Control of Electromagnetic Fields at Work Regulations (Northern Ireland) 2016  
<http://www.legislation.gov.uk/nisr/2016/266/contents/made>
- Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991 (to be replaced)  
<https://www.legislation.gov.uk/nisr/1991/509/contents/made>
- The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015  
<http://www.legislation.gov.uk/nisr/2015/236/contents/made>
- Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (to be replaced)  
<https://www.legislation.gov.uk/nisr/1992/2/contents/made>

**II Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.**

***If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions and arrangements for adequate inspection and penalties.***

***If the Committee of Experts or the Conference Committee on the Application of Convention and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.***

2. Following consultation the Government of the United Kingdom revoked a number of

legislative measures that were redundant, had been overtaken by more up to date Regulations or had not delivered their expected benefits. Of relevance to this Article is the revocation of The Docks Regulations 1988 (S.I. 1988/1655) <http://www.legislation.gov.uk/ukSI/1988/1655/contents/made>. The 1988 Regulations were revoked and replaced in 2014 with an updated Approved Code of Practice (“ACOP”) - Safety in docks (<http://www.hse.gov.uk/pubns/books/l148.htm>). This ACOP was also approved for use in Northern Ireland.

3. ACOPs have a special legal status in UK law whereby if the practical advice contained in the ACOP is followed then there is a presumption that enough is being done to comply with the law of the specific matters in question - <http://www.hse.gov.uk/legislation/legal-status.htm>. Those who do not follow the provisions in the ACOP need to demonstrate they have complied with the law in some other way or a Court will find them at fault.

### **Article 3**

4. There are no exceptions given the UK health and safety legislation is risk based and operates on the principles of ensuring risks to employers and those affected by work activities are reduced to as low as reasonably practicable. The presumption is that the duty-holder should implement risk reduction measures unless they can demonstrate it would be grossly disproportionate for them to do so.

### **Article 4**

5. The measures for workers proceeding to or from a ship safely are outlined in paragraphs 128-133 and 225-231 of the Safety in docks Approved Code of Practice 2014.

### **Article 6**

6. There are no exceptions for meal times and other short interruptions of work given the UK health and safety legislation is risk based and operates on the principles of ensuring risks to employers and those affected by work activities are reduced to as low as reasonably practicable. The presumption is that the duty-holder should implement risk reduction measures unless they can demonstrate it would be grossly disproportionate for them to do so.

### **Article 9**

7. The measures required to be in place for the safety of equipment in all lifting operations and the competence of employees in carrying out this work are covered in Paragraphs 160- 205 of the Safety in docks Approved Code of Practice 2014.

### **Article 11**

8. There are no exceptional cases when gear may be loaded beyond the safe working load. The UK health and safety legislation is risk based and operates on the principles of ensuring risks to employers and those affected by work activities are reduced to as low as reasonably practicable. The presumption is that the duty-holder should implement risk reduction measures unless they can demonstrate it would be grossly disproportionate for them to do so.

### **Article 12**

9. Health and Safety at Work etc. Act 1974 and regulations made under it are risk based and operate on the principles of ensuring risks to employers and those affected by work activities are reduced to as low as reasonably practicable. Details are provided in Safety in docks Approved Code of Practice 2014.

#### **Article 15**

10. There are no exceptions given the UK health and safety legislation is risk based and operates on the principles of ensuring risks to employers and those affected by work activities are reduced to as low as reasonably practicable. The presumption is that the duty-holder should implement risk reduction measures unless they can demonstrate it would be grossly disproportionate for them to do so.

#### **Article 18**

11. No changes in implementing legislation since the last report. However, it may be noted that -

- a. The Maritime Labour Convention, 2006 (MLC) came into force in August 2013 and provides the framework for robust certification of living and working conditions on board ships, including health and safety. Where a ship has a valid Maritime Labour Certificate, in a port State control inspection this must be considered prima facie evidence that the flag state complies with the standards of the MLC. Under this provision, the MCA would not normally carry out a detailed inspection of lifting equipment on board. However, the MLC also provides for more detailed inspection where there are reasonable grounds to do so. MCA surveyors would in such circumstances look for evidence of regular maintenance, inspection and testing. The UK has ratified the MLC which includes in the Code a requirement for national health and safety guidelines for loading and unloading of equipment. The UK guidance is published in the Code of Safe Working Practices for Merchant Seafarers, Chapter 19. <https://www.gov.uk/government/publications/code-of-safe-working-practices-for-merchant-seafarers>
- b. MCA is participating in the IMO Correspondence Group on Onboard Lifting Appliances and Winches under the Ship Standards and Equipment Sub-Committee of the Maritime Safety Committee of the IMO with a view to agreeing common, goal based standards for the construction, testing and maintenance of lifting appliances on board ships.

#### **III Article 17 of the Convention is as follows:**

12. No changes since the last report.

**V Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from inspectors' reports, and if such statistics are available, information regarding the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the number, nature and causes of accidents reported, etc.**

13. Statistics for Great Britain are searchable and are publicly available here [HSE - Register of prosecutions and notices](#) and here [Industry search \(hse.gov.uk\)](#). Statistics for Northern Ireland can be found here – [Public Register of Convictions](#).

**VI** *Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation. If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.*

*Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.*

14. Copies of the report have been forwarded to the Trades Union Congress and the Confederation of British Industry.

**Direct Request (CEACR) - adopted 2019, published 109th ILC session (2021)**

**Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32) - United Kingdom of Great Britain and Northern Ireland (Ratification: 1935)**

**Prospect of ratification of the most up-to-date Convention.** *The Committee encourages the Government to follow up on the Governing Body's decision adopted at its 328th Session (October–November 2016) approving the recommendations of the Standards Review Mechanism Tripartite Working Group and to consider ratifying the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), as the most up-to-date instrument in this subject area. The Committee requests the Government to provide information on any developments in this regard.*

The United Kingdom will continue to keep under review the opportunity to consider ratification of C152 and will update the ILO accordingly when there are developments to report.