

GIBRALTAR MARITIME ADMINISTRATION
(Ministry of Maritime Affairs)



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Maritime Labour Notice (MLN) – 003

To: Ship Owners, Operators, Masters, Officers and Classification Societies

MLC Title 1.1 Young Persons

This MLN provides guidance on compliance with the Gibraltar regulations which give effect to parts of MLC 2006 Title MLC 1.1, 1.2, 2.3, 2.4, 2.5, and 4.3 in relation to young persons. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.
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The guidelines do not preclude the shipowner from demonstrating an equivalent or higher standard as an “alternative method” of evidence of compliance.
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Documents referred to in this notice:

Maritime Labour Convention 2006 (MLC)

Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2012, Reg. 4 and 5

Most regulations and notices are available on the Gibraltar Maritime Administration website:
www.gibraltarship.com

1. Young Persons

- a. This MLN contains information on the Gibraltar Ship Registry regulations which control the requirements for young person’s working on a Gibraltar registered ship. This includes minimum age, medical certification, and hours of work and rest, leave, repatriation and health and safety requirements.

This MLN has been written for ship-owners employing young persons, but will also be useful to young persons, their parents or guardians.

2. Definitions used in this MLN

- a. Young Person or Young Seafarer applies to a person of the age 16 or 17.
- b. Established training programme or established programmes means a programme leading to STCW qualifications and in most cases this will be a cadet training scheme.

3. Minimum Age (MLC Reg. 1.1)

- a. The minimum age for any person to be employed, engaged or work on a Gibraltar MLC ship is 16 years. There are some occasions in regulations where the minimum age is higher, for example a ship’s cook will have to be at least 18 years old.

4. **Prohibition on Young Seafarers Working at Night (MLC Reg. 1.2)**

- a. Young seafarers must not work at night. As a minimum this includes a period of at least 9 hours starting no later than midnight and ending no earlier than 5.00am.
- b. An exception to this requirement may be made when –
 - i. the effective training of the young seafarer concerned is in accordance with an established training programme, and schedules would be impaired; or
 - ii. the specific nature of the duty or a recognised training programme requires that the young seafarer concerned perform duties at night and the Department determines, after consultation with the ship-owners" and seafarers" organisations concerned, that the work will not be detrimental to their health.
- c. Also an assessment must be made of the seafarer's health before and during the night work (refer to Section 8k of this MLN).

5. **Medical Certificates (MLC Reg. 1.2)**

- a. Medical certificates for all seafarers under the age of 18 shall be issued for a maximum period of 1 year (refer to MLC 1.2 for further information on Medical Certification).

6. **Hours of Work and Rest for Young Persons (MLC Reg. 2.3)**

- a. The following provisions apply to all young seafarers working at sea or in port –
 - i. working hours should not exceed eight hours per day and 40 hours per week;
 - ii. overtime can only be worked when it is unavoidable for safety reasons;
 - iii. sufficient time has to be allowed for all meals, and a break of at least one hour for the main meal of the day shall be assured; and
 - iv. a 15-minute rest period as soon as possible after each 2 hours of continuous work shall be allowed.
- b. This does not exempt young seafarers from the general obligation on all seafarers to work during any emergency.
- c. Exceptionally the requirements above do not need to be applied if –
 - i. they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watch keeping duties or working on a roistered shift-work system; or
 - ii. the effective training of young seafarers in accordance with established programmes.
- d. Such exceptional situations should be recorded with the reason stated and signed by the Master on the "record of hours of rest" form (refer to MLC 2.3 for further information).
- e.

7. **Leave and Repatriation (MLC 2.4 & MLC 2.5)**

- a. Seafarers under the age of 18 must be offered repatriation at no expense to themselves to the place of original engagement in their country of residence in order to take any annual leave earned during the voyage and when –

- i. they have served for 6 months (or less if specified in their SEA or Collective Agreement); and
 - ii. they have worked on a foreign-going ship which has not returned to their country of residence in that time.
- b. If during their first foreign-going voyage it becomes apparent that a young seafarer is unsuited to life at sea they should be given the opportunity of being repatriated from the first suitable port of call at no expense to themselves. Notification of repatriation including reasons must be provided to the authority which issued the papers enabling the young seafarer to take up sea-going employment.

8. Health and Safety (MLC 1.1 & 4.3)

Risk Assessments

- a. Young seafarers can be at particular risk when working on board a ship because they may lack experience, training and awareness.
- b. The ship-owner is therefore required to carry out risk assessments to assess the health and safety risks to young seafarers working on board the ship. These assessments may be adapted from a general risk assessment, but shall take into account that young people are likely to be inexperienced, unaware of health and safety risks and be physically or mentally immature. Risk assessments shall be updated when there is any major change in working conditions, and the young seafarer has to be informed of any risks to their health and safety identified during the assessment.
- c. The risk assessment needs to be completed before the young seafarer begins work and must pay particular attention to –
 - i. how the workplace is fitted and laid out;
 - ii. what type of work equipment will be used and how it will be handled;
 - iii. the organisation of processes and activities;
 - iv. the extent of the health and safety training provided or to be provided to the young person concerned; and
 - v. any risks from agents, processes and work as detailed in the Schedule to this MLN.
- d. The findings of the risk assessment can then be used to establish whether the task is prohibited or restricted for young seafarers.

Tasks Prohibited for Young Seafarers

- e. In order to protect young seafarers they are prohibited from carrying out any work which is likely to jeopardise their health and safety.
- f. The Gibraltar Maritime Administration has determined that young seafarers are prohibited from carrying out any work;
 - i. which is objectively beyond their physical or psychological capacity;
 - ii. involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
 - iii. involving harmful exposure to radiation;
 - iv. involving the risk of accidents which it may be assumed cannot be recognised or avoided by young seafarers owing to their insufficient attention to safety or lack of experience or training;
 - v. in which there is a risk to health from extreme cold or heat or noise or vibration; or

- vi. requiring entry into an enclosed space (including boilers, tanks, and cofferdams).
- g. However nothing in sections i) to vi) of the prohibited list above should prevent a young seafarer from carrying out a task on condition that the activity is –
 - i. an indispensable part of their established training programme;
 - ii. performed under the supervision of a competent person; and
 - iii. carried out in a way in which the young person's health and safety is ensured (so far as is reasonably practicable) when performing the activity.

(A competent person is a person experienced and trained in the task to be carried out).

Restricted Tasks for Young Seafarers

- h. There are restrictions on young seafarers undertaking certain types of work presenting a special risk of accident or of detrimental effect to the seafarer's health or physical development. These tasks require a particular degree of maturity, experience or skill.
- i. The Gibraltar Maritime Administration has determined the restricted tasks to be any task involving agents, processes and work described in the Schedule. However a risk assessment may determine that there are other tasks which also fit into a restricted category.
- j. Young seafarers are not permitted to carry out the tasks stated in the Schedule unless they are appropriately supervised and have been instructed in the task. This is to protect the young seafarer's health and safety while they are performing the task.

Health Assessment

- k. If the risk assessment shows there is a risk to the young seafarer's safety, physical or mental health, or where a young seafarer is likely to be required to work at night, a health assessment shall be made.
- l. A health assessment is an assessment of the young person's health and capacities which must be made before the young seafarer starts work to ensure the young seafarer has the physical and mental capacity to carry out the task.
- m. Further health monitoring shall be carried out at regular intervals while the task is being performed to ensure the task is still being carried out safely, and the seafarer remains physically and mentally able to complete the task. Any cost associated with a health assessment must not be charged to the young seafarer.

Health Education for Young Seafarers

- n. The ship-owner shall ensure that young seafarers have received guidance on the detrimental effects to their health and well-being in respect to the abuse of alcohol, drugs and other potentially harmful substances, the risk and concerns relating to HIV/AIDS and of other health risk related activities.

Alan Cubbin
Maritime Administrator
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All notices are available through www.gibraltarship.com.

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Schedule - List of Agents, Processes and Work see Section 8h to 8j above

1 AGENTS

1. Physical agents

- a) Ionising radiation
- b) Non-ionising electromagnetic radiation
- c) Work in a high pressure atmosphere, for example, in pressurised containers or diving

2. Biological agents

Biological agents classified as group 2, 3 or 4 of Directive 2000/54/EC of the European Parliament and of the council of 18 September 2000, on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC.)

3. Chemical agents

- a) Hazardous Chemical Agents –

A hazardous chemical agent means any chemical element or compound with the potential to cause harm if inhaled, ingested or by coming into contact with or absorbed through the skin and could potentially include chemical substances such as paints, cleaning materials, fumigants and pesticides.

In a legal context the definition of hazardous chemical agent is any dangerous substances and preparation according to the criteria in the following directives –

- Council Directive 67/548/EEC for dangerous substances; and
- Council Directive 88/379/EEC for dangerous preparations.

However these directives will be revoked on 01/06/15 and will be replaced by;

- (EC) No 1272/2008 classification of labelling and packaging of substances and mixtures (CLP Regulations).

Practically the simplest method is to check with the supplier of the chemicals for any hazards the chemical may have, and inspect the hazard data sheets of any chemicals arriving on board.

Alternatively a list of hazardous substances can be found in Table 3.2, Part 3 of Annex VI to the CLP Regulations. This states the list of harmonised classification and labelling of hazardous substances, and is available on the UK's Health and Safety Executive website;

<http://www.hse.gov.uk/ghs/eureg.htm> (Please note this is a very large document)

This list does not however include dangerous preparations or hazardous mixtures.

- b) Substances and preparations referred to as carcinogens in Article 2(a) of Directive 2004/37/EC of the European Parliament and of the council of 29 April 2004, on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC)
- c) Lead and compounds thereof, in as much as the agents in question are absorbable by the human organism
- d) Asbestos

2 PROCESSES AND WORK

1. Work involving exposure to polycyclic aromatic hydrocarbons present in coal soot, coal tar or coal pitch
2. Work involving exposure to hard wood dusts
3. Handling of devices, pyrotechnics or other objects containing explosives
4. Working with animals
5. Work with vats, tanks, reservoirs or carboys containing or having contained chemical agents
6. Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases
7. Work involving a risk of structural collapse
8. Work involving electrical hazards
9. Work involving the operation of hoisting or other power machinery and tools, or acting as signallers to operators of such equipment
10. Handling mooring, tow lines or anchoring equipment
11. Working aloft
12. Working on deck in heavy weather
13. Working with flammable liquids and flammable gases
14. Work which involves exposure to extremes of cold or heat
15. Work which involves exposure to a high level of noise
16. Work involving hand-arm vibration
17. Work involving whole-body vibration
18. The cleaning of catering machinery
19. The handling or taking charge of ships' boats
20. The lifting, moving or carrying of heavy loads or objects