

[DOLE DEPARTMENT ORDER NO. 132-13, August 08, 2013]

GUIDELINES ON MARITIME OCCUPATIONAL SAFETY AND HEALTH

Pursuant to Articles 5 and 128 of the Labor Code of the Philippines, as amended, and in compliance with Department Order Nos. 129 and 130, Series of 2013, and Maritime Labour Convention, 2006, the following guidelines are hereby issued to ensure the safety and welfare of seafarers onboard Philippine Registered Ships:

**RULE I
GENERAL PROVISIONS**

SECTION 1. Coverage. - This Guidelines shall apply to all Philippine Registered Ships plying both domestic and international voyages where employer-employee relationship or other forms of engagement exist.

Excluded from the coverage are the following categories of ship:

- a) Warships and naval auxiliaries;
- b) Government ships not engaged in commercial operation; and
- c) Fishing vessels.

SECTION 2. Objective. - This Guidelines aims to promote health and safety protection and prevention of accidents, injuries, diseases or deaths occurring in the course of employment of seafarers onboard ships through compliance with mandatory rules and regulations and standards for the maritime sector.

SECTION 3. Definition of Terms. - As used herein, the following terms shall mean:

- a) "**BOSH**" refers to the DOLE prescribed 40-hour Basic Occupational Safety and Health training or the on-line e-BOSH training, on the prevention of accidents and illnesses arising from work;
- b) "**Crew Accommodation**" includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew;
- c) "**DOH**" refers to the Department of Health;
- d) "**DOLE**" refers to the Department of Labor and Employment;
- e) "**Disabling Injury/Illness**" refers to work injury or an occupational disease which results in death, permanent total disability, permanent partial disability or temporary total disability;
- f) "**Ergonomics**" refers to the science of fitting workplace conditions and job demands to the capabilities of the working population;
- g) "**Gross Tonnage**" refers to the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the

International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention. For ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organization, the gross tonnage is that which is included in the remarks column of the International Tonnage Certificate (1969);

- h) "**Hazardous materials or substances**" refers to substances in solid, liquid or gaseous forms known to constitute poison, fire, explosion or health hazards;
- i) "**Hot work**" refers to any work where flame is used or a source of ignition may be produced;
- j) "**Medicine chest**" refers a container in which an assortment of medicines is stored;
- k) "**Minor Injury**" means an injury/illness for which first aid or medical treatment is provided in the ship which is not disabling;
- l) "**OSHS**" refers to the Occupational Safety and Health Standards of the DOLE;
- m) "**Permanent Total Disability**" shall mean any injury or sickness other than death which permanently and totally incapacitates a seafarer from engaging in any gainful occupation;
- n) "**PMMRR**" refers to Philippine Merchant Marine Rules and Regulations;
- o) "**Seafarer**" refers to any person employed or engaged or works in any capacity on board Philippine registered ships;
- p) "**Safety and Health Officer**" refers to a seafarer designated by the shipowner to implement the ship's safety and health policies and programs;
- q) "**Ship**" refers to any kind, class or type of craft or artificial contrivance capable of floating in water, designed to be used, or capable of being used, as a means of floating in water transport for the carriage of passengers or cargo, or both, utilizing its own motive power or that of another;
- r) "**Shipowner**" refers to the owner of the ship/shipping enterprise or another organization or person, such as the manager, agent or bareboat charter, who has assumed responsibility for the operation of the ship from the owner who, on assuming such responsibility has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the Maritime Labour Convention, 2006 (MLC, 2006) regardless of whether any other organizations or persons fulfill certain duties or responsibilities on behalf of the shipowner;
- s) "**SOLAS**" refers to the International Convention for the Safety of Life at Sea;
- t) "**Threshold Limit Value**" refers to the airborne concentration of substances and represents conditions under which it is believed that nearly all seafarers may be repeatedly exposed daily without adverse effects;
- u) "**Work Environment**" refers to the conditions of the place of employment maintained for comfort and health of the seafarers;
- v) "**WHO**" refers to the World Health Organization; and
- w) "**Workplace Violence**" refers to any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to the seafarer.

SECTION 4. Duties of Shipowner. – Every shipowner shall:

- a) Arrange that work in a ship is carried out in a manner that does not endanger the health and safety of any seafarer who is engaged or working in that ship;
- b) Adopt and carry out reasonable procedures and techniques designed or intended to prevent or reduce the risk in the operation or carrying out of the work using acceptable industry standards;
- c) Provide each seafarer health and safety education including awareness campaign and information written in the language which all the seafarers can understand; and
- d) Ensure that the designated Safety and Health Officer had undergone the appropriate training.

SECTION 5. Duties of Seafarer. – Every seafarer shall:

- a) Work in accordance with the safety standards and practices established by the shipowner in compliance with the provisions of this Guidelines and generally accepted shipping practices; and
- b) Report unsafe conditions and practices to the designated Safety and Health Officer or to the Safety and Health Committee.

**RULE II
OSH POLICY AND PROGRAM**

SECTION 1. Occupational Safety and Health Policy and Program. – The shipowner shall adopt, implement and promote occupational safety and health policies and programs on ships, consistent with this Guidelines and 1996 ILO Code of Practice on Accident Prevention on Board Ship, at Sea and in Port and subsequent versions thereof, to promote the welfare of the seafarers.

The shipowner shall establish a Safety and Health Committee, whether onboard or onshore, to develop and implement the safety and health policy and programs to promote the welfare of the seafarers. Such a committee shall be established onboard a ship on which there is five (5) or more seafarers. A Safety and Health Officer shall be designated by the shipowner to take responsibility for the implementation and compliance with the ship's occupational safety and health policies and programs.

Onboard Safety and Health Committee shall be composed of the Chairman (Master), Secretary (Safety and Health Officer), and Member (Seafarers' Representative).

The Safety and Health Officer shall be a holder of the following certificates:

- 1. BOSH Certificate issued by DOLE or DOLE Accredited Safety Training Organization; and
- 2. Approved training in first aid and medical care as required by STCW.

SECTION 2. Safety Protection and Accident Prevention. – The shipowner shall ensure that the following shall be observed onboard for safety, protection and accident prevention:

2.1 Confined Space

- a) A seafarer must not enter a confined space without having been issued a work permit.
- b) If a hazardous substance maybe produced in a confined space by the work to be performed, the confined space must be ventilated and each seafarer granted access to the confined space must use a respiratory protective device or breathing apparatus.

2.2 Electrical Safety

- a) All testing or work performed on electrical equipment must be in accordance with the Philippine Electrical Standards or its equivalent international standards and must be performed only by a seafarer with required training and skill in electrical work. The seafarer must use insulated protection and tools that will protect him from injury.
- b) If a seafarer is working on or near electrical equipment that is live or may become live, the electrical equipment must be guarded.

2.3 Hot Work Operations

- a) A sufficient number of fire extinguishers shall be provided in the working and adjoining areas.
- b) Hot work must not be performed in a working area where flammable gas, vapour or dust may be present in the atmosphere.
- c) Gas cylinders must be properly placed and securely stored in an upright position.

2.4 Fall Protection System. The shipowner must provide a fall-protection system to every seafarer who is granted access to an unguarded work area that is:

- a) More than two (2) meters above the nearest permanent safe level;
- b) Above any moving parts of machinery or any other surface or thing that could cause injury to a seafarer on contact; or
- c) Above an open hole.

2.5 Materials Handling and Storage

- a) *Use of Mechanical Equipment.* – Where mechanical handling equipment is used, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.
- b) *Carriage Lifting.* - Every seafarer who is required to handle loads manually should be properly trained. Before lifting and carrying weights, seafarers should first inspect the load as regards its weight, size and shape. The use of Lifting Aids

should be encouraged. Attention should be given to sharp edges, protruding nails or splinters, greasy surfaces or any other features which might lead to an accident.

- c) *Secure Storage.* – Storage of material shall not create a hazard. Bag containers, bundle, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secured against sliding or collapse.
- d) *Housekeeping.* – Storage areas shall be kept free from accumulation of materials that constitute hazards of tripping, fire, explosion, or pest haborage. Controls for perishable items shall be exercised accordingly and in compliance with existing regulations. As far as practicable, the working surface used by a seafarer must be kept free of grease, oil or any other slippery substance and of any material or object that may create a hazard to a seafarer.

2.6 Fire Prevention, Fire Fighting and Emergency Response

- a) Fire protection equipment must be installed, inspected and maintained on board every vessel in accordance with the Fire Detection and Extinguishing Equipment Regulations of PMMRR and relevant Maritime International Conventions.
- b) Every shipowner must prepare emergency procedures, including evacuation or abandon ship procedures in accordance with the Emergency Drills of relevant conventions and Means of Escape or Regulations VIII/3 of PMMRR and relevant Maritime International Conventions.
- c) Notices that set out the details of the emergency procedures must be posted in conspicuous places that are accessible to every seafarer in the ship.
- d) Every seafarer must be trained and instructed on the procedures to be followed by a seafarer in the event of an emergency, and the location, use and operation of fire protection equipment and emergency equipment provided by the shipowner.
- e) Each ship and manned barge shall carry life jackets accessible to every person on board. In addition, they shall carry a sufficient number of life jackets for persons on watch.
- f) Each ship and manned barge provided with survival crafts without enclosures shall carry at least two thermal protective aids in every craft.

2.7 Personal Protective Equipment

- a) As provided in the Occupational Safety and Health Standards (OSHS), the ship owner shall, at his/her own expense furnish the seafarer with protective equipment for the eyes, face, hands and feet, protective shields and barriers whenever necessary by reason of the hazardous nature of the process or environment, chemical, physical, radiological or other safety hazards capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.