



ILA-USMX JOINT SAFETY COMMITTEE

OSH Circular 2017-07 (21 July 2017)

Operational Safety Aboard Ships

Whose Responsible; For What?

The ILA-USMX Joint Safety Committee often receives questions from both management and labor interests concerning the apportionment of responsibilities as they relate to the operational safety duties of the stevedoring employer, the vessel owner/operator and the worker himself or herself. The answers aren't always easy, in that some responsibilities are defined by the relevant labor contract while others are strictly legal in nature.

Generally speaking, however, the employer of the employees has the legal responsibility of complying with the applicable OSHA regulations. Section 5 (a)(2) of the OSH Act provides that:

(a) Each employer --

(2) shall comply with occupational safety and health standards promulgated under this Act.

Section 5 (b) of the law, on the other hand, sets out workers' responsibilities:

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act, which are applicable to his own actions and conduct.

So, in sum, employers must comply with OSHA's regulations and employees must comply with OSHA regulations and the rules/policies that the employer puts in place in order to come into compliance with OSHA's regulations. There's a mutual responsibility.

To a certain extent, the ship owner/operator has responsibilities, too. Any gear that the ship owner/operator provides (lifting appliances, lashing rods, turnbuckles, twistlocks, etc.) must be in good and serviceable condition. Moreover, structural parts of the vessel that are to be used by longshore workers (lashing bridges, catwalks, reefer-related installations, etc.) must also be safe to use. In April's OSH Circular, we addressed the phased-in responsibilities that ship owners/operators have in providing safe physical environments for lashers.

In general, ship owners and operators are very aware of their "turn-over", "active control" and "duty to intervene" responsibilities they have toward longshore workers who come aboard their ships. That awareness is reinforced by Section 905 (b) of the Longshore & Harborworkers' Compensation Act, which provides that a worker injured by a ship owner's/operator's negligence can file an independent cause of action (a lawsuit) seeking compensation and damages for the results of the alleged negligence.

Got an OSH-related question? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

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