

Isle of Man Ship Registry Maritime Labour Notice

Young Persons

Ref. MLN 1.1 (Rev. 2)
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Young Persons

1. This MLN contains information on the Isle of Man Ship Registry regulations that control the requirements for young persons working on an Isle of Man registered ship. This includes minimum age, medical certification, hours of work and rest, leave, repatriation and health and safety requirements.

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

Definitions used in this MLN:

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

Minimum Age (MLC Reg. 1.1)

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

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

3. Young seafarers must not work at night. As a minimum, 'night' must include a period of at least 9 hours starting no later than midnight and ending no earlier than 5.00am.

In general strict compliance with this regulation is expected, however, an exception to this requirement can be made, **only** when -

- the effective training of the young seafarer concerned is in accordance with an *established training programme*, and schedules would be impaired; or
- 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 shipowners' and seafarers' organisations concerned, that the work will not be detrimental to their health.



An assessment must also be made of the seafarer's health before and during the night work (refer to Section 7.4 of this MLN).

Medical Certificates (MLC Reg. 1.2)

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

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

5. The following provisions apply to all young seafarers working at sea or in port -
 - working hours should not exceed eight hours per day and 40 hours per week;
 - overtime can only be worked when it is unavoidable for safety reasons;
 - 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
 - a 15-minute rest period as soon as possible after each 2 hours of continuous work shall be allowed.

This does not exempt young seafarers from the general obligation on all seafarers to work during any emergency. However, the master must ensure that any seafarer who has performed work in a scheduled rest period is provided with an adequate period of rest as soon as practicable after the normal situation has been restored.

Exceptionally the requirements above do not need to be applied if -

- they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system; or
- the effective training of young seafarers in accordance with *established programmes* and schedules would be impaired.

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 MLN 2.3 for further information).

Leave and Repatriation (MLC 2.4 & MLC 2.5)

6. A young seafarer who has served 6 months (or less if specified in their SEA or Collective Agreement), without leave on a ship that has not returned to the young seafarer's country of residence in that time, must be offered the opportunity of repatriation, at no expense to the seafarer, to the place of original engagement in his or her country of residence for the purpose of taking any leave earned during the voyage

If, during a Young Seafarer's first foreign-going voyage it becomes apparent that they are 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.

Health and Safety (MLC 1.1 & 4.3)

7.1 Risk Assessments

Young seafarers can be at particular risk when working on board a ship because they may lack experience, training and awareness.

The shipowner 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.

The risk assessment needs to be completed before the young seafarer begins work and must pay particular attention to -

- how the workplace is fitted and laid out;
- what type of work equipment will be used and how it will be handled;
- the organisation of processes and activities;
- the extent of the health and safety training provided or to be provided to the young person concerned; and
- any risks from agents, processes and work as detailed in the Schedule to this MLN.

The findings of the risk assessment must then be used to establish whether the task is prohibited or restricted for young seafarers.

7.2 Tasks Prohibited for Young Seafarers

In order to protect young seafarers they are prohibited from carrying out any work which is likely to jeopardise their health and safety.

The Ship Registry has determined that young seafarers are prohibited from carrying out any work –

- a. Which is objectively beyond their physical or psychological capacity;
- b. 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, or;
- c. Involving harmful exposure to radiation.

7.3 Restricted Tasks for Young Seafarers



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.

The Ship Registry has determined a 'restricted task' to be any task:

- a) Involving any agents, processes or work specified in Schedule 1 to this MLN;
- b) Identified by the risk assessment required for the young seafarer by Paragraph 7.1 as presenting a special risk of accident or of detrimental effect on his or her health or physical development;
- c) Involving the risk of accidents that may be assumed cannot be recognised or avoided by the young seafarer owing to his or her insufficient attention to safety or lack of experience or training
- d) In which there is a risk to health from extreme cold, heat, noise or vibration; or
- e) Requiring entry into an enclosed space (including boilers, tanks and cofferdam).

Young seafarers are not permitted to carry out any restricted task unless:

- The young seafarer has been instructed in the task;
- The young seafarer is appropriately supervised by a competent person; and
- The task is carried out so that a young seafarer's health and safety is ensured as far as reasonably practicable.

The supervision and instruction is not required if the young seafarer is recognized as being fully qualified in a pertinent skill. For example, a young seafarer could be allowed to work on electrical equipment unaided if the seafarer has completed an electrical training course. However, it is considered unlikely due to a young seafarer's age that they will be qualified to carry out a task listed in the Schedule.

No young seafarer may carry out any of the restricted tasks specified in paragraphs c) to e) above unless the task is an indispensable part of his or her training programme.

7.4 Health Assessment

A health assessment is an assessment of the young person's health and capacities to ensure the young seafarer has the physical and mental capacity to carry out the task. Any cost associated with a health assessment must not be charged to the young seafarer

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. The health assessment must be made before the young seafarer starts work and carried out at regular intervals while the task is being carried out to ensure the task is still being carried out safely, and the seafarer remains physically and mentally able to complete the task.



7.5 Health Education for Young Seafarers

The shipowner 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.

Please note - The Isle of Man Ship Registry cannot give legal advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.



Schedule 1 - List of Agents, Processes and Work

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, meaning -
 - i) any chemical agent which meets the criteria for classification as a hazardous substance or hazardous mixture within the meaning of Regulation (EC) No 1272/2008 of the European Parliament and of the council of 16 December 2008, on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) no 1907/2006, whether or not that substance or mixture is classified under that Regulation, other than those substances or mixtures which only meet the criteria for classification as hazardous for the environment;
 - ii) any chemical agent which, whilst not meeting the criteria for classification as hazardous in accordance with (i) may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present on a ship, present a risk to the safety and health of seafarers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive (see above definition).

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;



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

