



SHIP SAFETY BULLETIN

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Ship Safety Bulletins provide safety-related information to the marine community.
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Subject: *Implementing the Maritime Occupational Health and Safety Regulations*

Purpose

This Ship Safety Bulletin explains the new *Maritime Occupational Health and Safety (MOHS) Regulations* to marine sector employers and their employees working onboard vessels. These Regulations will help protect workers and prevent accidents and injuries in the work place.

Scope

This Bulletin applies to marine sector employers and employees working in the federally regulated marine sector where the *Canada Labour Code (CLC)* applies.

Background

The Government of Canada held many consultations to develop new MOHS Regulations [<http://laws.justice.gc.ca/PDF/Regulation/S/SOR-2010-120.pdf>] that reflect current technology, national and international standards, as well as modern marine industry practices.

These new MOHS Regulations came into force in June 3rd, 2010 and:

- replace the *Marine Occupational Safety and Health (MOSH) Regulations* that came into force under Part II of the CLC in 1987;

Keywords:

1. *Maritime Occupational Health and Safety Regulations*
2. MOHS
3. *Marine Occupational Safety and Health Regulations*
4. MOSH
5. *Canada Labour Code*

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 Owners of affected commercial vessels automatically receive Bulletins.

- reflect the unique nature of vessels as a work place to ensure that workers aboard vessels remain safe, healthy, competitive, and productive;
- align with the *Canada Occupational Health and Safety (COSH) Regulations*, to ensure that employees working onboard vessels enjoy the same level of health and safety protection as the employees working ashore.

Differences

Transport Canada Marine Safety (TCMS) and the Labour Program of Human Resources and Skills Development Canada (HRSDC-Labour) recommend that the employers, employees, work place Health and Safety Committees and their representatives review the new MOHS Regulations and the change in provisions of many sections.

Here are some of the differences between the new MOHS Regulations and the repealed MOSH Regulations.

Please note that since not all differences are included, the MOHS Regulations prevail.

Part 1 – General

Section 1 – Interpretation: The regulations introduce a new definition for: “confined space”, “Maritime Labour Convention, 2006 (MLC 2006)”, “oxygen-deficient atmosphere”, “special purpose vessel” and “vessel”.

Section 4 – Records and Reports: The new regulations introduce the use of electronic records.

Section 6 – Incorporation by Reference: Documents incorporated by reference such as regulations, standards, publications and booklets are now considered “as amended from time to time”. This means that MOHS Regulations always refer to the latest version of a document.

Section 7 – Health and Safety: The new regulations require a qualified person in charge in every working area.

Part 2 – Structures

This part addresses requirements regarding structure, design & construction, temporary structures, means of access, scaffolds, stages, ladders, guardrails and toe boards, safety nets, housekeeping and maintenance.

Section 10 – Design & Construction: The design and construction of every structure on a vessel shall meet the requirements that apply, which are set out in the *Canada Shipping Act, 2001* (CSA 2001) regulations.

Section 11 – Temporary Structure: A qualified person must visually inspect any temporary structure used on a vessel that may be affected by the coming in and going out of the tide.

Section 12 – Means of Access: If a means of access leads to a location on board a vessel that is more than 0.35 m (previously was 1 m) above the deck, there must be some means of safe access to the deck such as steps, a ladder or another similar structure.

Section 15 – Ladders: The many changes include:

- needing a person to be at the bottom of a ladder; and
- banning rope ladders for heights greater than 9 metres.

Part 3 – Crew Accommodation

This part includes MLC 2006 requirements and introduces many changes to the regulations related to:

- sleeping quarters
- mess room
- laundry facility
- office
- hospital accommodation and ventilation
- galley and dining area
- sanitary facility
- open deck
- recreational facility
- heating

Part 4 – Sanitation

- requires a Potable Water Management Plan; and
- changes the acceptable minimum temperature for freezer.

Part 5 – Safe Occupancy of the Work Place

The regulations regarding fire protection equipment, emergency evacuation and emergency procedures shall meet the requirements that apply, which are set out in other CSA 2001 regulations.

Part 5, Division 2 - Violence Prevention in Work Place: Violence can happen at **any** work place and can have a serious impact on employees, their families, and the way employers do business. That is why paragraph 125(1)(z.16) of the CLC requires employers under federal jurisdiction to “take the prescribed steps to prevent and protect against violence in the work place”.

Part 5, Division 2 contains the steps employers **must** take to:

- prevent or minimize violence;
- help protect employees against violence; and
- ensure that employees have access to help and support, if exposed to violence.

HRSDC-Labour published a guide that suggests easy steps to follow to help employers, members of a policy or work place committee, or health and safety representatives prevent violence in the work place, including employee education and training. To access the guide, please visit:

http://www.hrsdc.gc.ca/eng/labour/health_safety/prevention/work_place/pdf/guide.pdf.

Part 6 – Medical Care

This part addresses requirements about the measures an employer can take to ensure that employees working onboard or to a detached work place have access to first-aid.

Part 7 – Hazard Prevention Program

Work places contain a wide range of known and unknown hazards. Given the growing complexity of work places, one cannot rely on instinct alone to prevent hazard. Like any other business function, risk must be managed and controlled to reduce the financial costs and increase the safety of workers and employers. This is why paragraph 125(1)(z.03) of the CLC requires employers under federal jurisdiction to “develop, implement and monitor . . . a prescribed program for the prevention of hazards in the work place....”

HRSDC-Labour published a guide that suggests easy steps that employers, members of a policy or work place committee, or health and safety representatives can take to help prevent hazards in the work place, including employee education and training. To access the guide, please visit http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/prevention_guide/pdf/prevention_guide.pdf.

Part 7 - Preventing Musculoskeletal Injuries: Some tasks require lifting, reaching and repeating the same movements. These tasks may result in an injury to muscles, tendons, ligaments, nerves, blood vessels, and joints of the neck, shoulders, arms, wrists, legs, and back. These are called musculoskeletal injuries, and are common in all industries. In fact, they account for about one-third of all claims, and in some industries, the proportion can be much higher.

The MOHS Regulations list specific requirements to help employers prevent musculoskeletal injuries among their employees. HRSDC-Labour published an E-Tool [<http://www21.rhdcc.gc.ca/st.2p1@-eng.jsp>] that provides information that can help employers, joint health and safety committees, and work place health and safety representatives to implement an effective strategy to help prevent musculoskeletal injuries in the work place. This E-Tool will help you to:

- identify factors that place workers at risk;
- understand the steps to prevent injuries;
- understand how control measures can reduce the risk of injuries; and
- investigate injuries and signs or symptoms.

HRSDC-Labour has published other helpful guides to address musculoskeletal injury hazards:

- *Checklist for the Evaluation of an Ergonomics-Related Hazard Prevention Program*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/checklist_ergonomics.shtml
- *Employee Input on Potential Ergonomics-Related Hazards*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/input_ergonomics.shtml
- *General Guide for Identifying Ergonomics-Related Hazards*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/identify_ergonomics/page00.shtml
- *Guide for Investigating Musculoskeletal Injuries*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/investigation_msi/page00.shtml
- *Guide on the Prevention of Musculoskeletal Injuries*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/prevention_msi/page00.shtml
- *Guide to Address Ergonomics-Related Hazards with Computer Workstation*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/computer_ergonomics.shtml
- *Guide to Employee Education on Musculoskeletal Injuries*
http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/education_msi/page00.shtml

Part 8 – Diving Operations

This part introduces regulations that meet the requirements that are set out in the COSH Regulations.

Part 9 – Persons Transfer Apparatus

This part introduces requirements and standards regarding the use, operation, inspecting, testing, repair and maintenance of a person transfer apparatus, including a boatswain's chair.

Part 10 – Protection equipment

This part introduces new standards for protection against drowning.

Part 11 – Lighting

This part includes the requirements of the MLC 2006, and introduces changes about providing natural and emergency light, and lighting levels at visual display terminals.

Part 12 – Prevention of Noise and Vibration

This part includes the requirements of the MLC 2006.

Part 13 – Work Permit

This part introduces requirements for work permit to address work on electric equipment, hot work, work on hazardous substances and entry into confined spaces.

Part 14 – Confined Spaces

This part introduces requirements for work in confined spaces and changes the acceptable percentage (%) of Oxygen.

Part 15 – Electrical Safety

This part introduces specific requirements such as safety procedure, safety watcher, coordination of work, switches and control devices, electrical equipment and fuses, power supply cables, grounded electrical equipment, additional requirements for work permit, guarantees of isolation, and live test on electric equipment.

Part 16 – Hot Work Operations

This part introduces specific requirements related to Hot Work procedures. These include:

- assigning a qualified person to patrol; and
- setting specifications on ventilation equipment.

Part 17 – Boilers and Pressure Vessels

This part introduces specific requirements such as:

- a qualified person must be present while a boiler is in operation; and
- the construction, installation and inspection of boiler, pressure vessel and pressure piping must meet the requirements set out in a CSA 2001 regulation.

Part 18 – Tools and Machinery

This part introduces new standards related to the design, construction and operation of tools, as well as regulations related to:

- defective tools and machinery
- protective guards
- training and instruction
- machine operation, repair and maintenance

Part 19 – Materials Handling and Storage

This part addresses requirements related to the design and construction, maintenance, operation and use, and manual handling of materials.

Part 20 – Hazardous Substances

This part addresses requirements for:

- hazard investigation
- hazard controls
- controlled and non-control produce
- labels
- employee education
- explosives
- material safety data sheet
- information required in a medical emergency

Part 21 – Hazardous Occurrence Recording and Reporting

This part addresses requirements related to investigation, immediate report and written report.