

CAYMAN ISLANDS



Merchant Shipping Law

MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) (HEALTH AND SAFETY) REGULATIONS, 2014

(SL 47 of 2014)

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CONVENTION) (HEALTH AND SAFETY)
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(SL 47 of 2014)

The Cabinet, in exercise of the powers conferred by section 463 of the Merchant Shipping Law (2011 Revision), makes the following Regulations —

Citation

1. These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Health and Safety) Regulations, 2014.

Definitions

2. In these Regulations —

“**Authority**” means the Maritime Authority of the Cayman Islands established under section 3 of the *Maritime Authority Law (2013 Revision)*;

“**authorized person**” means a person authorized by the Chief Executive Officer to carry out inspections and audits for the purposes of these Regulations and includes any surveyor of ships appointed under section 419 of the Law;

“**Chief Executive Officer**” means the Chief Executive Officer of MACI appointed under section 9 of the *Maritime Authority Law (2013 Revision)*;

“**Code of Safe Working Practices**” means the latest edition of “**The Code of Safe Working Practices for Merchant Seamen**”, as published by the UK Maritime and Coastguard Agency;

“**competent person**” means a person possessing the knowledge or experience necessary for the performance of the duties imposed by these Regulations;

“**Declaration of Maritime Labour Compliance**” means, in relation to a ship, the valid Part 1 and Part 2 documents drawn up and issued in accordance with the Maritime Labour Convention, in the forms corresponding to the relevant models given in Appendix A5-II of the Convention and having the contents, duration and validity specified in regulation 5.1.3 and standard A5.1.3 of the Convention;

“**health surveillance**” means the monitoring of a seafarer’s health over an on-going period to effectively manage the risks to the seafarer’s health associated with work on-board ships;

“**Maritime Labour Certificate**” and “**interim Maritime Labour Certificate**” mean a Certificate issued in accordance with the Maritime Labour Convention;

“**Maritime Labour Convention**” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organization, as may be amended from time to time;

“**night**” means a period of at least nine consecutive hours including the period from midnight to 05:00 hours;

“**personal protective equipment**” means any clothing or equipment designed to be worn, held or used by a person for protection against one or more hazards likely to endanger a person’s health or safety at work and any addition or accessory designed for this purpose, excluding —

- (a) ordinary working clothes and uniforms not specifically designed to protect a person’s health and safety; and
- (b) equipment provided for the purpose of fire fighting or lifesaving;

“**safety representative**” means a person appointed under regulation 10;

“**seafarer**” means any person, including a master, who is employed or engages or works in any capacity on board a ship and whose normal place of work is on a ship;

“**shipowner**” means —

- (a) in relation to a ship which has a valid Maritime Labour Certificate, the person identified as the shipowner on that certificate; or
- (b) the owner of the ship or, if different, any other organisation or person such as the manager, or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the owner; and



“**young seafarer**” means a seafarer under the age of 18 years.

Application

- 3.** (1) Subject to paragraph (3), these Regulations (other than regulations 25 and 26) apply —
- (a) to Cayman Islands ships, wherever they may be; and
 - (b) while they are in Cayman Islands waters, to ships —
 - (i) which are not Cayman Islands ships; and
 - (ii) to which regulations 25 and 26 do not apply.
- (2) Regulations 25 and 26 apply to non-Cayman Islands ships, while they are in Cayman Islands waters if —
- (a) the Maritime Labour Convention is in force for the State whose flag the ship is entitled to fly; and
 - (b) the ship carries —
 - (i) a Maritime Labour Certificate to which a Declaration of Maritime Labour Compliance is attached; or
 - (ii) an interim Maritime Labour Certificate.
- (3) These Regulations do not apply to —
- (a) pleasure vessels;
 - (b) fishing vessels;
 - (c) warships or naval auxiliaries; and
 - (d) offshore installations whilst on their working stations;

Occupational health protection

- 4.** (1) The shipowner shall ensure a seafarer is provided with occupational health protection and that the seafarer lives, works and trains on-board in a safe and hygienic environment in accordance with the requirements of these Regulations.
- (2) Occupational health protection in accordance with the requirements of these regulations shall be provided at no cost to the seafarer.
- (3) In carrying out responsibilities in accordance with the requirements of paragraph (1), the shipowner shall —
- (a) ensure reasonable precautions are taken to prevent occupational accidents, injuries and disease on-board ships, including measures to prevent the risk of exposure to harmful levels of ambient factors, including noise, vibration and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on-board ship;

- (b) apply the following principles —
 - (i) give precedence to the safety of life and of the ship;
 - (ii) avoid risks;
 - (iii) evaluate and act to minimise unavoidable risks;
 - (iv) adopt work practices and procedures which minimise any adverse effects on a seafarers health;
 - (v) adopt procedures to take account of new technology, changes in working practices, equipment and other factors which may affect a seafarer's health and safety; and
 - (vi) adopt a coherent approach to vessel management taking into account health and safety at every level of management;
 - (c) maintain and revise as appropriate a written statement of general policy with respect to health and safety and make that statement and any revisions available to seafarers;
 - (d) make appropriate arrangements, having regard to the nature of the activities, for the effective planning, organisation, control, monitoring and review of preventative and protective measures;
 - (e) provide the seafarer with such information, instructions, training and supervision as is necessary to ensure as far as is reasonably practicable the seafarer's health and safety;
 - (f) provide appropriate health surveillance having regard to any risk identified by the risk assessments required by regulations 5 and 16;
 - (g) ensure no seafarer has access to any area of the ship to which it may be necessary to restrict access on grounds of health and safety, unless the seafarer has received adequate training or instruction appropriate to entry into that area;
 - (h) maintain so far as is reasonable and practicable an environment for persons on-board the ship that is safe and without risk to health; and
 - (i) collaborate so far as is reasonably practicable with others who employ persons on-board ship at any time who are engaged in loading or unloading activities, to protect the health and safety of all persons on-board.
- (4) When complying with the requirements of these Regulations the shipowner and master of a Cayman Islands ship shall take into account the guidance contained in the Code of Safe Working Practices.
- (5) A shipowner who fails to comply with this regulation commits an offence and is liable —



- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
- (b) on conviction on indictment, to a fine of fifty thousand dollars.

Risk assessments and risk evaluation

5. (1) The shipowner shall make a sufficient assessment of risks to the health and safety of a seafarer arising from the normal course of the seafarer's duties or in connection with any shipboard activities for the purpose of identifying —
- (a) a seafarer at particular risk in the performance of the seafarer's duties; and
 - (b) the measures required to be taken to comply with the shipowner's responsibilities in these Regulations.
- (2) A risk assessment required in accordance with these Regulations shall be reviewed if —
- (a) there is a reason to suspect that it is no longer valid; or
 - (b) there has been significant change in matters to which it relates;
- and if the review identifies a need for any change to procedures or practices, that change shall be made.
- (3) A record shall be kept of any significant findings from a risk assessment required in accordance with these Regulations and the record shall be made available to seafarers.
- (4) A shipowner shall conduct a risk evaluation in relation to management of occupational health and safety and in doing so refer to any appropriate statistical information from ships and any general statistics provided by the Authority.
- (5) A shipowner who fails to comply with this regulation commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Consultation

6. (1) If there is a self-employed seafarer or other person working in any capacity on-board a ship, who is not employed by the shipowner or the shipowner's representative then the shipowner shall —
- (a) consult with any other employer or the self-employed person regarding the arrangements for complying with regulations 4 and 5;
 - (b) co-ordinate arrangements for protection of all persons working on-board, and the prevention of risks to their health and safety; and

- (c) ensure that all persons working on-board are informed so far as is practicable, of the risks to health arising on-board ship and of the arrangements for co-ordinating referred to in subparagraph (b).
- (2) Every employer of a person working in any capacity on-board a ship who is not the shipowner or the shipowner's representative, and every self — employed person shall inform the shipowner of any risks to health and safety arising out of or in connection with the conduct of that person's undertaking.

Responsibilities of persons working on-board

7. (1) It is the responsibility of every person who is employed or engaged or works in any capacity on-board a ship to —
- (a) take care for the health and safety of that person and any other persons on-board the ship who may be affected by that person's actions or omissions;
 - (b) co-operate with the shipowner or employer as far as is necessary to ensure the responsibilities and requirements laid on the shipowner or employer with regard to health and safety can be complied with;
 - (c) make proper use of any personal protective equipment provided;
 - (d) use machinery, equipment, dangerous substances, safety devices or other equipment in accordance with the instructions provided for its use and follow the training and instruction provided by the shipowner or employer; and
 - (e) inform the master or safety officer of any matter or work situation that may be considered to be a risk to health and safety.
- (2) A person who fails to comply with paragraph (1) commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.
- (3) No person shall intentionally or recklessly interfere with or misuse anything provided on-board for the health and safety of a person on-board the ship.
- (4) A person who fails to comply with paragraph (3) commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of one hundred thousand dollars.



Safety officer

8. (1) A ship shall have a safety officer who may be the master or a person designated by the master to take specific responsibility for implementation and compliance with the ship's occupational health and safety policies and programmes.
- (2) The safety officer shall have at least 2 years' sea service since attaining the age of 18 and in the case of a safety officer for a tanker this shall include at least 6 months' service on a tanker.
- (3) It is the responsibility of the safety officer to —
- (a) use that officer's best endeavours to ensure the shipowner's occupational health and safety policies and programmes are implemented and complied with;
 - (b) use that officer's best endeavours to improve the standard of safety consciousness among seafarers;
 - (c) investigate every accident or marine incident occurring on-board, provided that the requirement to investigate does not extend to investigating the loss of a person from the ship, the abandonment of the ship or any accident which results in the death of a person;
 - (d) investigate all complaints by seafarers about occupational health and safety unless the safety officer has reason to believe the complaint is of a frivolous or vexatious nature;
 - (e) carry out occupational health and safety inspections of each accessible part of the ship at least once every 3 months or more frequently if there have been substantial changes in the conditions of work;
 - (f) make representations and if appropriate, recommendations to the master and through the master to the shipowner about any deficiency in the ship relating to the ship's occupational health and safety policies and programmes;
 - (g) ensure as far as is reasonably practicable that safety instructions and guidance are complied with;
 - (h) maintain a record of all accidents and incidents which shall at least contain —
 - (i) the date, the persons involved and the nature of the injuries suffered;
 - (ii) statements from any witnesses; and
 - (iii) details of any recommendations made to prevent future similar accidents or incidents;
 - (i) maintain a record of —

- (i) investigations, complaints or inspections made in accordance with paragraph (3)(d) and (e); and
 - (ii) representations or recommendations made in accordance with paragraph (3)(f), together with the outcome.
- (j) make the records kept in accordance with paragraph (3)(h) or (i) available on request to a safety representative, the safety committee, the master or an authorized person; and
- (k) stop work which the safety officer believes may cause an accident and immediately inform the master who is responsible for deciding when work can be safely resumed.
- (4) Nothing in this regulation shall require a safety officer to take any action at a time when emergency action to safeguard the ship is being taken.
- (5) A safety officer who fails to comply with subregulation (3) commits an offence and is liable —
 - (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Additional responsibilities of a safety officer on ships with safety committees

9. (1) On a ship that is required to have a safety committee in accordance with regulation 12, it is the responsibility of the safety officer to —
- (a) carry out any occupational health and safety investigation required by the safety committee; and
 - (b) ensure the records of each safety committee meeting are accessible to all seafarers on the ship.
- (2) A safety officer who fails to comply with paragraph (1) commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Safety representatives

10. (1) The master of every ship with 5 or more seafarers shall appoint a safety representative who may be elected by the seafarers on-board.
- (2) The master of a ship with more than 16 seafarers shall appoint a safety representative who may be elected by the seafarers on-board from each department and shall include a safety representative from the deck and engine departments.



- (3) The master shall not be a safety representative.
- (4) A safety representative shall have at least 2 years' sea service since attaining the age of 18 and in the case of a safety representative for a tanker this shall include at least 6 months' service on a tanker.
- (5) A master who fails to comply with paragraph (1) or (2) commits an offence and is liable —
 - (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Powers of safety representatives

11. A safety representative may —

- (a) participate, subject to the agreement of the safety officer, in any investigation or inspection carried out by the safety officer in accordance with regulation 8 or 9;
- (b) undertake similar investigations or inspections whether or not such investigations or inspections have already been carried out by the safety officer;
- (c) on matters affecting the occupational health and safety of the seafarers represented by the safety representative —
 - (i) consult with the master or the safety officer and make recommendations to them, including recommendations to the master that any work which the safety representative believes may cause an accident should be suspended; and
 - (ii) request through the safety committee required by regulation 12 an investigation by the safety officer of any such matter;
- (d) inspect any records the safety officer is required to make in accordance with these Regulations; and
- (e) attach any comments to any records made in accordance with regulation 8(3)(h) or (i) or to any accident report which is required to be submitted to the Authority.

Safety committees

- 12.** (1) On a ship with more than 5 seafarers the master shall appoint a safety committee.
- (2) The master shall be the chairman of the safety committee.
 - (3) The safety committee shall include the safety officer (if the master is not the safety officer) and every safety representative.

- (4) The appointment of every member of a safety committee shall be recorded by the master in the Official Log Book.
- (5) Safety committee meetings shall be held at intervals not exceeding 6 weeks and a record of the meetings shall be kept including a record of any representations made to the committee, replies to representations and any resulting action.

Responsibilities of the shipowner and master

- 13.** (1) The shipowner and the master shall facilitate the work of the safety officer, safety representatives and the safety committee in carrying out their occupational health and safety functions, and in particular —
- (a) provide access to any necessary information, documents and similar material including the Code of Safe Working Practices, any relevant legislation and relevant Cayman Islands Shipping Notices;
 - (b) inform the safety officer, safety representatives and safety committee of any hazards on-board the ship known to them which may endanger the ship or a seafarer;
 - (c) ensure that information concerning the hazards, locations and necessary safety precautions applicable to any hazardous cargoes on-board is readily available to all seafarers and displayed prominently in easily accessible locations;
 - (d) provide, as far as is reasonably practicable, any reasonably necessary accommodation, office equipment supplies and similar materials;
 - (e) permit occupational health and safety inspections of any accessible part of the ship;
 - (f) allow the safety officer and safety representatives any absence from ship duties without loss of pay that may be necessary to enable them to fulfil their functions, or to undertake any necessary training on-board in the exercise of their functions as safety officer or safety representative;
 - (g) display, in an easily accessible space to seafarers, a notice listing the names of the safety officer and safety representative on-board;
 - (h) receive, at any reasonable time, representations about occupational health and safety from the safety officer, the safety representative or the safety committee, including recommendations made in accordance with regulation 11(c) by a safety representative that certain work should be suspended, discuss representations with the safety officer, the safety representative or the safety committee, and implement any agreed measures as soon as is reasonable and practicable;
 - (i) specify in writing the reasons for refusing to implement any recommended occupational health and safety measure made by the safety officer, safety representative or the safety committee; and



- (j) provide upon request to the safety officer or the safety representative any information or plans necessary to enable them to undertake the investigations and inspections specified in regulation 8, 9 or 11.
- (2) A shipowner and master who fails to comply with this regulation commits an offence and is liable —
 - (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Provision of personal protective equipment

- 14.** (1) The shipowner shall provide seafarers with suitable personal protective equipment when risks cannot be avoided or sufficiently limited by means of organization of work procedures or collective protection measures.
- (2) Personal protective equipment shall be —
- (a) appropriate for the risks and task for which they are to be used;
 - (b) of a suitable size for the person who is to use it;
 - (c) manufactured to an appropriate international standard;
 - (d) practical and effective, taking into account any constraints imposed by the place of work; and
 - (e) compatible with any other equipment that the person has to use at the same time.
- (3) Personal protective equipment shall be properly stored, kept in a hygienic condition, maintained in accordance with the manufacturer's instructions and inspected and its operation checked at intervals recommended by the manufacturer.
- (4) Respiratory protection equipment designed to protect against hazards including dust, toxic materials and atmospheres and lack of oxygen shall be inspected and its operation confirmed before and after use.
- (5) The shipowner shall provide appropriate training and instructions for the use of personal protective equipment and shall take all reasonable steps to ensure that personal protective equipment provided to seafarers is correctly used.
- (6) A seafarer provided with personal protective equipment shall use it in accordance with the requirements of these Regulations and in accordance with any training, instruction or operating instructions provided.
- (7) This regulation does not apply to self-employed seafarers or any other person working in any capacity on-board the ship, who is not employed by the shipowner or the shipowner's representative.
- (8) Nothing in paragraph (7) shall limit the shipowner's responsibilities in regulation 4 or 5.

- (9) A shipowner who fails to comply with this regulation commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of one hundred thousand dollars.

Capabilities and health and safety training

15. (1) The shipowner shall, in entrusting tasks to a seafarer, take into account the seafarer's capabilities as regards health and safety.
- (2) The shipowner shall ensure the seafarer is provided with adequate and appropriate safety training and instruction —
- (a) before being assigned to shipboard duties; and
 - (b) on being exposed to new or increased risks due to —
 - (i) being transferred or given a change of responsibilities;
 - (ii) the introduction of new equipment or a change to equipment already in use;
 - (iii) the introduction of new technology; or
 - (iv) the introduction of new shipboard practices, a new system of work or a change to a system of work already in use.
- (3) The training and instruction shall —
- (a) be repeated periodically, if appropriate;
 - (b) be adapted to take account of any new or changed risks to the health and safety of the seafarer concerned; and
 - (c) take place during the working hours of the seafarer concerned.
- (4) This regulation does not apply to self-employed seafarers or any other person working in any capacity on-board the ship, who is not employed by the shipowner or the shipowner's representative.
- (5) Nothing in paragraph (4) shall limit the shipowner's responsibilities in regulations 4 or 5.

Young seafarers

16. (1) In addition to the requirement to carry out a risk assessment in accordance with regulation 5, the shipowner shall carry out risk assessments to assess the health and safety risk to any young seafarer working on-board the ship.
- (2) The risk assessment for a young seafarer shall take into account that a young seafarer is likely to be inexperienced, unaware of health and safety risks and be physically or mentally immature.



- (3) The risk assessment shall be completed before the young seafarer begins work and shall pay particular attention to the —
 - (a) fitting out and layout of working areas;
 - (b) nature, degree and duration of exposure to physical, biological or chemical agents;
 - (c) form, range and use of work equipment and the way in which it is handled;
 - (d) organisation of processes and activities;
 - (e) extent of the health and safety training provided or to be provided to the young seafarer concerned; and
 - (f) risks from the agents, processes or work listed in Schedule 1.
- (4) A shipowner who fails to comply with this regulation commits an offence and is liable —
 - (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Health assessments for young seafarers

- 17.** (1) The shipowner shall conduct a health assessment for a young seafarer if —
- (a) the risk assessment required by regulation 16 finds there is a risk to the young seafarer's safety, physical or mental health; or
 - (b) the young seafarer is likely to be required to work at night.
- (2) The health assessment shall include an assessment of the young seafarer's health and capacities and shall be —
- (a) made before the young seafarer starts work; and
 - (b) carried out at regular intervals while the task is being carried out to ensure the task is still being carried out safely and the young seafarer remains physically and mentally able to perform the task.
- (3) A shipowner who fails to comply with this regulation commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Restricted tasks for young seafarer

- 18.** (1) No young seafarer shall carry out any restricted task unless the young seafarer is appropriately supervised and has been instructed in the task.
- (2) For the purposes of this regulation, a restricted task is any task —

- (a) involving any agents, processes or work specified in Schedule 1; or
 - (b) identified by the risk assessment required for the young seafarer by regulation 16 as presenting a special risk of accident or of detrimental effect on the young seafarer's health or physical development.
- (3) The supervision and instruction of a young seafarer in carrying out a restricted task in accordance with paragraph (1), is not required if the young seafarer is recognised as fully qualified to perform that task.
- (4) A master who fails to comply with this regulation commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars. is liable —

Prohibited tasks for young seafarers

- 19.** (1) A young seafarer shall not carry out any work —
- (a) which is likely to jeopardize the young seafarer's health or safety, as determined by the Authority, after consultation with shipowners' and seafarers' organisations;
 - (b) which is objectively beyond the young seafarer's physical or psychological capacity;
 - (c) involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm the unborn child or that in any other way chronically affect human health;
 - (d) involving harmful exposure to radiation;
 - (e) involving the risk of accidents that may be assumed cannot be recognised or avoided by the young seafarer owing to the young seafarer's insufficient attention to safety or lack of experience or training;
 - (f) in which there is a risk to health from extreme cold, heat, noise or vibration; or
 - (g) requiring entry into an enclosed space (including boilers, tanks and cofferdams); or
 - (h) at night.
- (2) Nothing in paragraph (1)(e) to (h) prevents a young seafarer from carrying out a task which is an indispensable part of the young seafarer's established training programme, provided the task is —
- (a) performed under the supervision of a competent person; and
 - (b) carried out so that the young seafarer's health and safety is ensured as far as reasonably practicable;



- (3) A master who fails to comply with this regulation commits an offence and is liable —
 - (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of one hundred thousand dollars.

Health education for young seafarers

- 20.** The shipowner shall provide a young seafarer with guidance on the detrimental effects to the young seafarer's health and well-being from the abuse of alcohol, drugs and other potentially harmful substances, the risk and concerns relating to HIV/AIDS and other health risk-related activities.

Reporting of occupational diseases

- 21.** (1) If a seafarer on a ship suffers from any of the occupational diseases specified in column 1 of Schedule 2 and the young seafarer's work involves one of the activities specified in the corresponding entry in column 2 of that Schedule, a report shall be sent to the Authority by the shipowner.
- (2) Paragraph (1) only applies if the shipowner or the master has received a written statement prepared by a medical practitioner diagnosing the disease as one of those specified in Schedule 2.
- (3) The report specified in paragraph (1) shall be made within 7 days of the master or the shipowner receiving the written statement —
- (a) using the form specified by the Authority for the reporting of occupational diseases; or
 - (b) in any other format provided it contains at least the information required by the form specified by the Authority.
- (4) A shipowner who fails to comply with this regulation commits an offence and is liable —
- (a) on summary conviction to a fine of ten thousand dollars, notwithstanding sections 6(2) and 8 of the *Criminal Procedure Code (2013 Revision)*; and
 - (b) on conviction on indictment, to a fine of fifty thousand dollars.

Reporting of accidents and injuries

- 22.** (1) Accidents and injuries shall be reported to the Authority in accordance with Shipping Notices published by the Authority.
- (2) In addition to any inquiry that may be held under Part XVIII of the Law, the Authority shall conduct an investigation into any accident or incident resulting in —
- (a) the loss of life of a seafarer or other person on-board a ship;
 - (b) the total loss of the ship; or

- (c) severe damage to the environment.

Inspection of ships

- 23.** (1) For the purpose of checking compliance with these Regulations, an authorized person may at all reasonable times go on board a ship and inspect the ship, its equipment, any article and any document carried on it.
- (2) Sections 421(2) and (4) of the Law apply in relation to paragraph (1) as if references in those subsections to “subsection (1)” were references to paragraph (1).
- (3) Sections 422 (1), (2), (3) and (5) to (8) and 423(1) and (2) of the Law apply in relation to the inspection of a ship for the purposes of checking compliance with these Regulations as they apply in relation to the inspection of a ship for the purposes of checking compliance with the Law, as if —
- (a) references in those sections to “this Law” were to these Regulations;
 - (b) for section 422(1)(b) there were substituted a reference to any ship to which this regulation applies; and
 - (c) in section 422(2)(h)(iii) the words “or any instrument made under it” were omitted.
- (4) Sections 423 to 429 of the Law apply for the purposes of these Regulations as if the relevant statutory provisions included these Regulations.

Detention of ships

- 24.** (1) Where an authorized person has clear grounds for believing that, in relation to a ship to which these Regulations apply —
- (a) a ship is not in compliance with regulations 4, 5 and 6; and
 - (b) the non-compliance represents —
 - (i) a significant danger to the safety, health or security of seafarers; or
 - (ii) a serious breach or the latest in a series of repeated breaches of the requirements of regulations 4, 5 and 6,
- the ship is liable to be detained.
- (2) Section 444 of the Law applies where a ship is liable to be or is detained under this regulation as if references to the detention of a ship under the Law were references to these Regulations.
- (3) Where a ship is liable to be detained under these Regulations an authorized person shall serve on the master of the ship or other person for the time being in charge of the ship a detention notice which states the grounds for detention and the requirements to be complied with in respect of the notice in order for the ship to be released from the detention.



- (4) Where a ship which is detained under these Regulations is not a Cayman Islands ship, the Chief Executive Officer shall immediately inform the Consul or a diplomatic representative of the State whose flag the ship is entitled to fly, or the appropriate maritime authorities of that State, of the detention and the grounds therefor.
- (5) Where a ship is detained under these Regulations, an authorized person shall release the ship in accordance with the applicable provisions of section 444 of the Law.
- (6) It is prohibited for a ship on which a detention notice has been served to proceed to sea or attempt to proceed to sea unless a release from the detention has been issued in writing by an authorized person.
- (7) Notwithstanding that a detained ship may be eligible for release where any applicable fine, cost and expenses have been paid by the master or owner of the ship, or a security paid, in accordance with section 444 of the Law, the ship shall not be released until any deficiency for which the vessel was detained has been rectified to the satisfaction of the Chief Executive Officer.

Inspection of non-Cayman Islands ships with Maritime Labour Certificates

- 25.** (1) An authorized person may —
- (a) review the ship's Maritime Labour Certificate and Declaration of Maritime Labour Compliance or the ship's interim Maritime Labour Certificate; and
 - (b) where Standard A5.2.1 of the Maritime Labour Convention applies, carry out a more detailed inspection, in accordance with that Standard.
- (2) Where an authorized person has power to inspect a ship under this regulation, regulation 23 applies to that ship.

Detention of non-Cayman Islands ships with Maritime Labour Certificate

- 26.** (1) Where an authorized person inspects a ship under regulation 25(1)(b) and has clear grounds for believing that —
- (a) the ship does not comply with the requirements of the Maritime Labour Convention; and
 - (b) the non-compliance represents —
 - (i) a significant danger to the safety, health or security of seafarers; or
 - (ii) a serious breach or the latest in a series of repeated breaches of the requirements of the Maritime Labour Convention,
- the ship is liable to be detained.

- (2) An authorized person may permit a ship which is liable to be detained under this regulation to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.
- (3) Section 444 of the Law applies where a ship is liable to be or is detained under this regulation as if references to the detention of a ship under the Law were references to these Regulations.
- (4) Where a ship is detained under this regulation, the Chief Executive Officer shall immediately inform the Consul or a diplomatic representative of the State whose flag the ship is entitled to fly, or the appropriate maritime authorities of that State, of the detention and the grounds therefor.
- (5) Where a ship is detained under this regulation but the failure to comply referred to in paragraph (1) has ceased, a person having power to detain the ship shall, at the request of the shipowner or master, immediately release the ship.

Right of appeal and compensation

- 27.** Regulations 12 and 13 of the Merchant Shipping (Port State Control) Regulations, 2003, shall have effect in relation to a detention notice served under these Regulations subject to the reference in those Regulations to inspector being taken to include a reference to a surveyor.

Defence

- 28.** It is a defence for a person charged with an offence under these Regulations to show that the offence was committed without that person's knowledge or, where the person had such knowledge, that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.



SCHEDULE 1

(Regulations 16 (3)(f) and 18(2)(a))

AGENTS, PROCESSES AND WORK

AGENTS

- 1 Physical agents —
 - (a) ionising radiation;
 - (b) non-ionising electromagnetic radiation;
 - (c) work in a high pressure atmosphere.
2. Hazardous biological agents subject to Chapter 27 of the Code of Safe Working Practices.
3. Hazardous chemical agents subject to Chapter 27 of the Code of Safe Working Practices.

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 hardwood 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 hazardous chemical agents.
6. Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases.
7. Work involving risk of structural collapse.
8. Work involving electrical hazards.
9. Work involving the operation of lifting appliances or other power machinery and tools.
10. Handling mooring lines, tow lines or anchoring equipment.
11. Working aloft.
12. Working on deck in heavy weather.
13. Working with flammable liquids and flammable gasses.

14. Work involving exposure to extremes of hot and cold.
15. Work involving exposure to a high level of noise.
16. Work involving hand-arm vibration.
17. Work involving whole body vibration.
18. The cleaning of catering equipment.
19. The handling or taking charge of ships' boats.
20. The lifting, moving or carrying of heavy loads or objects.

SCHEDULE 2

(Regulation 21)

REPORTING OF OCCUPATIONAL DISEASES

Column 1 : Diseases	Column 2: Activities
1. Inflammation, ulceration or malignant disease of the skin due to ionizing radiation. 2. Malignant disease of the bones due to ionizing radiation. 3. Blood dyscrasia due to ionizing radiation.	Work with ionising radiation
4. Cataract due to electromagnetic radiation	Work involving exposure to electromagnetic radiation (including radiant heat).
5. Decompression illness. 6. Barotrauma resulting in lung or other organ damage. 7. Dysbaric osteonecrosis.	Work involving breathing gases at increased pressure (including diving).
8 Cramp of the hand or forearm due to repetitive movements.	Work involving prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
9. Subcutaneous cellulitis of the hand (beat hand).	Physically demanding work causing severe or prolonged friction or pressure on the hand.
10. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (beat knee).	Physically demanding work causing severe or prolonged friction or pressure at or about the knee.
11. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (beat elbow).	Physically demanding work causing severe or prolonged friction or pressure at or about the elbow.
12. Traumatic inflammation of the	Physically demanding work, frequent or

Column 1 : Diseases	Column 2: Activities
tendons of the hand or forearm or of the associated tendon sheaths.	repeated movements, constrained postures or extremes of extension or flexion of the hand or wrist.
13. Carpal tunnel syndrome.	Work involving the use of hand-held vibrating tools.
14. Hand-arm vibration syndrome.	Work involving: (a) the use of chain saws, brush cutters or hand-held or hand-fed circular saws; (b) the use of hand-held rotary tools in grinding material or in sanding or polishing metal; (c) the holding of material being ground or metal being sanded or polished by rotary tools; (d) the use of hand-held percussive metal-working tools or the holding of metal being worked upon by percussive tools in connection with riveting, caulking, chipping, hammering, fettling or swaging; or (e) the use of hand-held powered percussive drills or hand-held powered percussive hammers.
15. Anthrax.	(a) Work involving handling infected animals, their products or packaging containing infected material; or (b) work on infected sites.
16. Brucellosis.	Work involving contact with: (a) animals or their carcasses (including any parts thereof) infected by brucella or the untreated products of same; or (b) laboratory specimens or vaccines of or containing brucella.
17 (a) Avian chlamydiosis.	Work involving contact with birds infected with chlamydia psittaci, or the remains or untreated products of such



Column 1 : Diseases	Column 2: Activities
	birds
17. (b) Ovine chlamydiosis.	Work involving contact with sheep infected with chlamydia psittaci or the remains or untreated products of such sheep.
18. Hepatitis.	Work involving contact with - (a) human blood or human blood products; or (b) any source of viral hepatitis.
19. Legionellosis.	Work on or near cooling systems which are located in the workplace and use water; or work on hot water service systems located in the workplace which are likely to be a source of contamination.
20. Leptospirosis.	(a) Work in places which are or are liable to be infested by rats, fieldmice, voles or other small mammals; (b) work involving the care or handling of dogs; or (c) work involving contact with bovine animals or their meat products or pigs or their meat products.
21. Lyme disease.	Work involving exposure to ticks.
22. Q fever.	Work involving contact with animals, their remains or their untreated products.
23. Rabies.	Work involving handling or contact with infected animals.
24. Streptococcus suis.	Work involving contact with pigs infected with streptococcus suis, or with the carcasses, products or residues of pigs so affected.
25. Tetanus.	Work involving contact with soil likely to be contaminated by animals.
26. Tuberculosis.	Work with persons, animals, human or animal remains or any other material

Column 1 : Diseases	Column 2: Activities
	which might be a source of infection.
27. Any infection reliably attributable to the performance of the work specified in the entry opposite.	Work with micro-organisms; work with live or dead human beings in the course of providing any treatment or service or in conducting any investigation involving exposure to blood or body fluids; work with animals or any potentially infected material derived from any of the above.
28. Poisonings by any of the following - (a) acrylamide monomer; (b) arsenic or one of its compounds; (c) benzene or a homologue of benzene; (d) beryllium or one of its compounds; (e) cadmium or one of its compounds; (f) carbon disulphide; (g) diethylene dioxide (dioxane); (h) ethylene oxide; (i) lead or one of its compounds; (j) manganese or one of its compounds; (k) mercury or one of its compounds; (l) methyl bromide; (m) nitrochlorobenzene, or a nitro or amino or chloro-derivative of benzene or of a homologue of benzene; (n) oxides of nitrogen; or (o) phosphorus or one of its compounds.	Any activity
29. Cancer of a bronchus or lung.	(a) Work in or about a ship where nickel is produced by decomposition of a gaseous nickel compound or where any industrial process which is ancillary or incidental to that process is carried on;



Column 1 : Diseases	Column 2: Activities
	or (b) work involving exposure to bis (chloromethyl) ether or any electrolytic chromium processes (excluding passivation) which involve hexavalent chromium compounds, chromate production or zinc chromate pigment manufacture.
30. Primary carcinoma of the lung where there is accompanying evidence of silicosis.	Any work involving - (a) glass manufacture; (b) metal ore mining; (c) clay mining; (d) the use of siliceous materials as abrasives; (e) foundry work; or (f) stone cutting or masonry
31. Cancer of the urinary tract.	1. Work involving exposure to any of the following substances - (a) beta-naphthylamine or methylene-bis-ortho-chloroaniline; (b) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine); (c) any of the substances mentioned in sub-paragraph (b) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; or (d) the salts of any of the substances mentioned in sub-paragraphs (a) to (c) above. 2. The manufacture of auramine or magenta.
32. Bladder cancer.	Work involving exposure to aluminium smelting using the Soderberg process

Column 1 : Diseases	Column 2: Activities
33. Angiosarcoma of the liver.	(a) Work in or about machinery or apparatus used for the polymerisation of vinyl chloride monomer, a process which, for the purposes of this sub- paragraph, comprises all operations up to and including the drying of the slurry produced by the polymerisation and the packaging of the dried product; or (b) work in a building or structure in which any part of the process referred to in the foregoing sub-paragraph takes place.
34 Peripheral neuropathy.	Work involving the use or handling of or exposure to the fumes of or vapour containing n-hexane or methyl n-butyl ketone.
35. Chrome ulceration of - (a) the nose or throat; or (b) the skin of the hands or forearm.	Work involving exposure to chromic acid or to any other chromium compound.
36. Folliculitis. 37. Acne. 38. Skin cancer.	Work involving exposure to mineral oil, tar, pitch or arsenic.
39. Pneumoconiosis (excluding asbestosis).	1. (a) The mining, quarrying or working of silica rock or the working of dried quartzose sand, any dry deposit or residue of silica or any dry admixture containing such materials (including any activity in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock); or (b) The handling of any of the materials specified in paragraph (a) in or incidentally to any of the operations mentioned therein or substantial exposure



Column 1 : Diseases	Column 2: Activities
	to the dust arising from such operations. 2. The breaking, crushing or grinding of flint, the working or handling of broken, crushed or ground flint or materials containing such flint or substantial exposure to the dust arising from any of such operations. 3. Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint or substantial exposure to the dust arising from such sand blasting. 4. Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations - (a) the freeing of steel castings from adherent siliceous substance; or (b) the freeing of metal castings from adherent siliceous substance - (i) by blasting with an abrasive propelled by compressed air, steam or a wheel; or (ii) by the use of power-driven tools. 5. The grinding of mineral graphite or substantial exposure to the dust arising from such grinding. 6. The dressing of granite or any igneous rock by masons, the crushing of such materials or substantial exposure to the dust arising from such operations. 7. The use or preparation for use of an abrasive wheel or substantial exposure to the dust arising from this. 8. The trimming of coal in any ship, barge, lighter, dock or harbour or at any wharf or quay. 9. The sawing, splitting or dressing of

Column 1 : Diseases	Column 2: Activities
	slate or any incidental operation. 10. The manufacture or work incidental to the manufacture of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide and any activity involving substantial exposure to the dust from this. 11. Boiler scaling or substantial exposure to the dust arising from this.
40. Byssinosis.	The spinning or manipulation of raw or waste cotton or flax or the weaving of cotton or flax.
41. Mesothelioma. 42. Lung cancer. 43. Asbestosis.	(a) The working or handling of asbestos or any admixture of asbestos; (b) The manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; (c) The cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or (d) Substantial exposure to the dust arising from any of these operations.
44. Cancer of the nasal cavity or associated air sinuses.	Work where nickel is produced by decomposition of a gaseous nickel compound or in any process which is ancillary or incidental to this.
45. Occupational dermatitis.	Work involving exposure to any of the following agents: (a) epoxy resin systems; (b) formaldehyde and its resins; (c) metalworking fluids; (d) chromate (hexavalent and derived from trivalent chromium); (e) cement, plaster or concrete;



Column 1 : Diseases	Column 2: Activities
	(f) acrylates and methacrylates; (g) colophony (rosin) and its modified products; (h) glutaraldehyde; (i) mercaptobenzothiazole, thiurams, substituted paraphenylene-diamines and related rubber processing chemicals; (j) biocides, anti-bacterials, preservatives or disinfectants; (k) organic solvents; (l) antibiotics and other pharmaceuticals and therapeutic agents; (m) strong acids, strong alkalis, strong solutions (e.g. brine) and oxidizing agents including domestic bleach or reducing agents; (n) hairdressing products including in particular dyes, shampoos, bleaches and permanent waving solutions; (o) soaps and detergents; (p) plants and plant-derived material including in particular the daffodil, tulip and chrysanthemum families, the parsley family (carrots, parsnips, parsley and celery), garlic and onion, hardwoods and the pine family; (q) fish, shell-fish or meat; (r) sugar or flour; or (s) any other known irritant or sensitizing agent including in particular any chemical bearing the warning ‘may cause sensitization by skin contact’ or ‘irritating to the skin’.
46. Extrinsic alveolitis (including farmer’s lung).	Exposure to moulds, fungal spores or heterologous proteins during work in - (a) loading, unloading or handling mouldy vegetable matter or edible fungi

Column 1 : Diseases	Column 2: Activities
	whilst same is being stored; (b) caring for or handling birds; or
47. Occupational asthma.	Work involving exposure to any of the following agents - (a) isocyanates; (b) platinum salts; (c) fumes or dust arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylene-tetramine; (d) fumes arising from the use of rosin as a soldering flux; (e) proteolytic enzymes; (f) animals including insects and other arthropods used for the purposes of research or education or in laboratories; (g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize or the handling, milling, transport or storage of meal or flour made therefrom; (h) antibiotics; (i) cimetidine; (j) wood dust; (k) ispaghula; (l) castor bean dust; (m) ipecacuanha; (n) azodicarbonamide; (o) animals including insects and other arthropods (whether in their larval forms or not) used for the purposes of pest control or fruit cultivation or the larval forms of animals used for the purposes of research or education or in laboratories;



Column 1 : Diseases	Column 2: Activities
	(p) glutaraldehyde; (q) persulphate salts or henna; (r) crustaceans or fish or products arising from these in the food processing industry; (s) reactive dyes; (t) soya bean; (u) tea dust; (v) green coffee bean dust; (w) fumes from stainless steel welding; or (x) any othersensitizing agent, including in particular any chemical bearing the warning 'may cause sensitization by inhalation'.

Made in Cabinet the 19th day of August, 2014.

Meredith Hew
Acting Clerk of the Cabinet.