

# THE PAKISTAN DOCK LABURERES REGULATIONS, 1948

## **Part 1**

1. **Title and application.** – (1) These Regulations may be called the Pakistan Labourers Regulations. 1948.

(2) They shall apply only within the limits of major ports as defined by or under the Ports Act, 1908.

2. **Definitions.**-In these Regulations, unless there is anything repugnant in the subject or context.-

(a) “the Act” means the Dock Labourers Act 1934 (XIX of 1934) ;

(b) “form” means a form appended to these Regulations ;

(c) “hatch” means an opening in a deck used for the purpose of the processes or for trimming or for ventilation ;

(d) “hatchway” means the whole space within the square of the hatches, from the top deck to the bottom of the hold ;

(e) “inspector” means an Officer authorized by the Federal Government under section 3 of the Act ;

(f) “Lifting machinery” means cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the derricks, masts and decks, used in hoisting or lowering in connection with the processes ;

(g) “process” includes all work which is required for or it incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it ;

(h) “prescribed” means prescribed by the Federal Government ;

(i) “premises” means any dock, wharf, quay, or landing place where the processes of loading or unloading of cargo or fuel into or from a ship are carried on ;

(j) “pulley block” means pulley, block, gin and similar gear, other than a crane block specially constructed for use with to crane to which it is permanently attached ;

(k) “schedule” means a schedule appended to these Regulations ;

(l) “ship” does not include country craft, barges or lighters, but includes any other vessel used in navigation not exclusively propelled by cars ;

(m) “worker” means any person employed in the processes ; and

(n) works and expressions not defined in these regulations but defined or used in the Act have the meaning assigned to them in the Act.

**3. Power of Inspectors.-** (1) An Inspector may, with such assistance (if any) as he thinks fit,-

(i) enter, inspect and examine at any time by day or night any premises or ship where the processes are carried on ;

(ii) made such examination of the premises or ship and the machinery and gear, fixed or loose, used in the processes as he may deem necessary for carrying out the purposes of the Act ;

1[(iia) prohibit the use of any machinery which does not comply with Part IV of these Regulations ;]

(iv) examine and take on the spot or otherwise such evidence of any person as he may deem necessary.

(2) The person having the general management and control of the premises and the owner, master, officer in charge or agents of the ship, as the case may be, shall furnish such means as may be required by an Inspector for entry, inspection, examination, inquiry, or otherwise for the exercise of his powers under the Act and Regulations in relation to that ship or premises.

**4. Duties of Inspectors.-** (a) An Inspector shall at each inspection of any premises or ship satisfy himself that the provisions made in the Act and Regulations are fully observed.

(b) An Inspector shall hold an inquiry into the causes of any accident which he has reason to believe was the result of the collapse or failure of lifting machinery or non-compliance with any of the provisions of the Act and Regulations.

(c) An Inspector shall ascertain at each inspection how far any defects disclosed at a previous inspection have been rectified any how far any orders previously issued by him have been complied with. His findings and any defects which may come to light during the current inspection, together with any orders passed by him under the Act or these regulations shall be recorded in an Inspection Register maintained in accordance with clause (d) below.

An extract from the record including the orders of the Inspector together with any remarks he may wish to make or any defects found to exist in such ship or premises that he may wish to bring to notice shall be sent to the owner, master, officer-in-charge or agents of the ship or the person in general management and control of the premises, as the case may be, in form IX.

(d) The Inspector shall keep and properly maintain a record of his inspection in a separate register specially maintained for the purpose.

5. **Penalties.**- Whoever being a person whose duty it is to comply with any of these Regulations commits a breach of such Regulations shall be punishable with fine which may extend in the case of breach of Regulations 58, 59 and 61 to Rs. 200, and in any other case to Rs. 500, and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

## **PART II**

6. **Responsibilities.**- It shall be the duty of the person having the general management and control of a dock, wharf or quay to comply with Regulations 7-14 and 63 :

Provided that if any other person has the exclusive right to occupation of any part of the dock, wharf or quay, and has the general management and control of such part, the duty in respect of that part shall devolve upon that other person.

7. **Fencing of working places and approaches.** -(1) Every regular approach over a dock, wharf or quay which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers.

(2) In particular, the following parts shall, as far as is practicable having regard to the traffic and working be securely fenced so that the height of the fence shall be in no place less than two feet six inches, and the fencing shall be maintained in good condition ready for use :-

- (a) all breaks, dangerous corners, and other dangerous parts or edges of a dock, wharf, or quay ;
- (b) both sides of such footways over bridges, caissons, and dock gates as are in general use by workers and each side of the entrance at each end of such footway for a sufficient distance not exceeding five yards ;

Provided that in the case of fences which were constructed before the date of promulgation of these regulations, it shall be sufficient if the height of the fence is in no place less than two feet three inches.

8. **Lighting of working places and approaches.**-All places in which workers are employed and any dangerous parts of the regular road or way over a dock, wharf or quay, forming the approach to any such place from the nearest highway, shall be safety efficiently lighted.

9. **Life-saving appliances.**-Provision for the rescue from drowning of workers shall be made and maintained and shall include –

- (a) a supply of life-saving appliances, kept in readiness on the wharf or quay, which shall be reasonably adequate having regard to all the circumstances ; and
- (b) means at or near the surface of the water at reasonable intervals for enabling a person immersed to support himself or escape from the water which shall be reasonably adequate having regard to all the circumstances.

10. **First-Aid.**-(1) First-aid equipments of the standard set out in Schedule I shall be provided at docks, wharves, quays and similar places and if more than one is provided, at reasonable distances from each other.

- (2) Every first-aid box or cupboard shall be clearly marked "First Aid".
- (3) Nothing except appliances or requisites for first-aid box shall be kept in a first-aid box or cupboard.
- (4) First-aid boxes or cupboards shall be kept stocked and in good order and shall be placed under the charge of a responsible person who shall always be readily available during working hours. Such person shall, except at docks, wharves or quays at which the total number of workers at any time does not exceed fifty, be a person, trained in first-aid.

11. **Ambulances.**-There shall be provided for use at every dock, wharf or quay at which the total number of workers at any time exceeds fifty, a suitably constructed motor ambulance carriage or launch maintained in good condition, for the purpose of the removal of serious cases of accident or sickness, unless arrangements have been made for obtaining such a carriage or launch when required from a hospital or other place situated not more than two miles from the dock, wharf or quay, and in telephone communication therewith.

12. **Reports of accidents and dangerous occurrences.**-(1) Whenever any accident occurs which either-

- (a) causes loss of life to a worker ; or
- (b) causes such severe injury to a worker that there is no reasonable hope that he will be able to return to work within 48 hours, written notice of the accident shall forthwith be sent by telegram, telephone or special messenger within four of the occurrence, to-
  - (i) the relatives of the injured or deceased person ;
  - (ii) the Inspector notified for this purpose ;
  - (iii) the District Magistrate or if the District Magistrate by order so directs, the Sub-Divisional Magistrate ; and
  - (iv) in the case of fatal accidents only, the office-in-charge of the nearest Police Station ;

Provided that a notice of any accident of which notice is sent in accordance with the requirements of the Explosives Act, 1884, or the Petroleum Act, 1934, need not be sent in accordance with the requirement of this regulation.

(2) Where any accident causing disablement is notified under this regulation and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the authorities mentioned in clause (1) immediately the death occurs.

(3) All cases of collapse or failure of lifting machinery whether personal injury or disablement is caused or not, shall forthwith be reported to the Inspector.

13. There shall be provided and maintained in good and clean condition for the use of workers engaged in loading or unloading coal and dangerous and noxious goods suitable facilities for washing at conveniently accessible places.

14. **Notices.**-Notices shall be exhibited in prominent positions at every dock, wharf, or quay stating.

- (a) the position of each first-aid box and the place when the person in-charge thereof can be found.
- (b) the position of stretchers or other appliances, and
- (c) the position of the ambulance carriage or, where such is not provided, the position of the nearest telephone and the name and telephone number of the hospital or other place from which such carriage may be obtained.

### **PART III**

15. **Responsibilities.**-It shall be the duty of the owner, master, officer-in-charge or agents of the ship to comply with Regulations 16 to 24.

16. **Access between shore and ship.**-If a ship is lying at a wharf or quay for the purpose of loading or unloading or coaling there shall be safe means of access for the use of workers ship to the shore or from the shore to the ship as follows :-

- (a) where reasonably practicable the ship's accommodation ladder or a gangway or a similar construction not less than twenty-two inches wide, properly secured and fenced throughout on each side to a clear height of two feet nine inches by means of upper and lower rails, taut ropes or chains or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only provided that the other side is protected by the ship's side.

- (b) in other case a ladder of sound material and adequate length which shall be properly secured to prevent slipping ;

Provided that nothing in this regulation shall be help to apply to cargo stages or cargo gangways if other proper means of access are provided in conformity with these Regulations ;

Provided also that as regards any sailing vessel not exceeding 250 tons net registered tonnage and any mechanically propelled vessel not exceeding 150 tons gross registered tonnage this regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

17. **Access from ship to another vessel.**-(1) If a ship is alongside another vessel, and workers have to pass form one to the other, safe means of access shall be proved for their use unless the conditions are such than it is possible to pass form one to the other without undue risk and without the aid of any special appliance.

(2) If the other vessel is a sailing barge, flat, keel, lither or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

18. If the depth from the level of the deck to the bottom of the hold exceeds five feet there shall be maintained safe means of excess from the deck to the hold in which work is being carried on.

(2) Safe as hereinafter provided such access shall be afforded by ladder, and the ladder cleats or cups on the coamings shall not be deemed to be safe –

- (a) unless the ladders between the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches :
- (b) unless the ladders provide a foothold of a depth including any space behind the ladder of not less than 4 ½ inches for a width of 10 inches and a firm handhold ;
- (c) unless the cleats or cups provided on coamings (i) provide a foot-hold of a depth including any space behind the cleats or cups of not less than 4 ½ inches for a width of 10 inches and a firm hand-hold ; (ii) are so constructed as to prevent a man's foot slipping off the side ; (iii) are placed vertically one above that other and in the same line as the ladders to which they give access ;
- (d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less that 4 ½ inches for a width of 10 inches and a firm handhole ;
- (e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck ; or

- (f) if the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway.

Provided that such access may be afforded-

- (i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of clause (c) ;
- (ii) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements of clauses (b), (d) and (e).

(3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

19. **Lighting for processes on ships.**-When the processes are being carried on –

- (a) the places in the hold and on the decks where work is being carried on ;
- (b) the means of access provided in pursuance of regulations 16 and 17 ; and
- (c) all parts of the ship to which workers may be required to proceed in the course of their employment shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all workers and to navigation of other vessels and of the provisions of any law and of any rules, regulations, orders or bye-laws having the force of law.

20. **Beams used for hatch coverings.**-All fore and aft beams and thwart-ship beams used for hatch covering shall have suitable gear for lifting them on and off without if being necessary for any person to go upon them to adjust such gear.

21. **Marking of beams and hatch coverings.**-(1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein ;

**Provided** that this regulation shall not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable.

(2) Sub-regulation (1) shall also apply to fore and aft beams and to thwart ship beams as it applies to hatch to hatch coverings.

(22) **Maintenance of beams and hatch coverings.**-All fore and aft beams, and thwart ship beams shall be maintained in good condition.

(23) **Dangerous or toxic fumes.**-No person shall be allowed in any hold wherein dangerous or toxic fumes are liable to be present to such an extent as to involve risks of persons being overcome unless all practical steps have been taken to remove any fumes which may be present and to prevent any further ingress of fumes from sludge or other sources and the responsible authority under this part has satisfied himself that the space is free from dangerous fumes and fit

for persons to enter or unless a person entering such hold has been provided with suitable protective equipment.

#### **PART-IV**

25. **Responsibilities.**-It shall be the duty of the owner of machinery or plant used in the processes and in the case of machinery or plant carried on board a ship registered in Pakistan it shall also be the duty of the master of such a ship to comply with regulations 26 to 43.

26. **Competent person.**-In this Part, the expression “competent person” means :-

- (a) in the case of machinery or plant not carried on board a ship, any person appointed in that behalf by the Port Authority with the sanction of the Federal Government ;
- (b) in the case of machinery or plant carried on board a ship, an official of a workshop approved in that behalf by the Federal Government, or except for the purposes of regulation 29 (2), a person nominated in that behalf by an authority approved by the Federal Government for the purpose of nominating competent persons, and includes in the case of machinery and plant carried on board a ship registered elsewhere than in Pakistan, any person who is recognized as a competent person for the purposes of the national regulations in force for the implementation of the Protection against Accidents (**Dockers**) Convention (Revised) 1932, adopted by the International Labour Conference.

27. **Lifting machinery.**-(1) All lifting machinery shall have been tested and examined by a competent person in the manner set out in Schedule II before being taken into use.

(2) All derricks and permanent attachments, including bridle chains to the derrick, mast and deck, used in hoisting or lowering shall be inspected one in every twelve months and be thoroughly examined once at least in every four years.

(3) All other lifting machinery shall be thoroughly examined once at least every twelve months.

(4) For the purposes of this regulation thorough examination means a visual examination, supplemented if necessary by other means such as hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined and if necessary for the purpose, parts of the machinery and gear shall be dismantled.

28. **Special Types of Loose Gear.**-The following class of gear namely-

- (1) chains made of malleable cast iron ;
- (2) plate link chains ;
- (3) chains, rings, hooks, shackles and swivels made of steel ;
- (4) pitched chains ;

- (5) rings, hooks shackles and swivels permanently attached to pitched chains, pulley blocks or weighing machines ;
- (6) hooks and swivels having screw-threaded parts or ball bearings or other case-hardened parts ;
- (7) Bordeaux connections ;

Shall be thoroughly examined by a competent person once at least in every twelve months.

For the purposes of this regulation thorough examination means a visual examination supplemented if necessary by the means, carried out as carefully as the conditions permit, in order to arrive at a reliable-conclusion as to the safety of the parts examined and if necessary for the purpose, parts of the gear shall be dismantled.

29. **Other loose Gear.**-(1) No chain, ring, hooks, shackle, swivel or pulley block shall be used in hoisting or lowering unless it has been tested and examined by a competent person in the manner set but in Schedule II.

(2) All chains other than bridle chains attached to derricks or masts and all rings, hooks shackles and swivels used in hoisting or lowering shall, unless they have been subjected to such other treatment as an Inspector may, subject to confirmation by the Federal Government approve, be effectually annealed under the supervision of a competent person and at the following intervals :-

- (i) half-inch and smaller chains, rings, hooks, shackles and swivels in general use, once at least in every six months ;
- (ii) all other chains, rings, shackles and swivels in general use once at least in every twelve months ;

Provided that nothing in this sub-regulation shall apply to any of the gear mentioned in regulation 28 ;

Provided also that in the case of such gear used solely on cranes and other hoisting appliances worked by hand twelve months shall be substituted for six months in sub-clause (i) and two years for twelve months in sub-clause (ii) ;

Provided also that where an Inspector is of opinion that owing to the size, design, material or infrequency of use of any such gear or class of such gear, the requirement of this regulation as to annealing is not necessary for the protection of workers, he may by certificate in writing (which he may in this discretion revoke) and subject to confirmation by the Federal Government exempt such gear or class of gear from such requirement subject to such conditions as may be specified in such certificate.

(3) All chains, other than bridle chains attached to derricks or masts and all rings, hooks shackles, swivels and all pulley blocks shall be inspected by a competent person immediately before being taken into use unless they have been inspected within the preceding three months.

(4) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall before being again taken into use be adequately tested and re-examined by a competent person in the manner set out in Schedule II.

30. **Ropes.**-(1) No rope shall be used in hoisting or lowering unless –

(a) it is of suitable quality and free from patent defect, and

(b) in the case of wire rope it has been examined and tested by a competent person in the manner set out in Schedule II.