

F. No. Z-16025/21/2018-ISH-II

Government of India
Ministry of Labour & Employment
(Industrial Safety & Health)

Shram Shakti Bhawan, Rafi Marg,
New Delhi, 28th May, 2019

NOTE

Subject: Draft notification regarding amendment to the Dock Workers (Safety, Health and Welfare) Regulations, 1990 regarding Personal Protective Equipments (PPEs)

This Ministry is examining proposal of amendment to the Dock Workers (Safety, Health and Welfare) Regulations, 1990 regarding Personal Protective Equipments (PPEs)

2. Before finalizing the draft amendment to the Dock Workers (Safety, Health and Welfare) Regulations, 1990, comments, if any, are invited from all stakeholders or persons likely to be affected in the matter within 45 (Forty five) days from the date of notification on the website of Ministry of Labour & Employment.
3. The objections/suggestions received from the stakeholders within the specified period shall be considered by the Ministry as per rules/requirement.
4. The comments may be addressed to the undersigned and submitted in Room No. 311A, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 and the soft copy may be sent to ish2secn-labour@nic.in.

B. Neeraja

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Under Secretary to the Govt. of India

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Shri Ajeet Kumar, Under Secretary (IT Cell) with request to upload on the website of Ministry of Labour & Employment.

Government of India

Ministry of Labour and Employment

New Delhi, dated .05.2019

G.S.R. – In exercise of powers conferred by Section 21 of the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986), the Central Government hereby publishes as required under sub-section (1) of the Section 22 of the said Act, for information of all the persons likely to be affected thereby and notice is hereby given that the said draft regulation shall be taken into consideration after the expiry of a period of forty five days from the date on which the draft of the proposed regulation is published in the official Gazette for general information.

Any objections or suggestions, which may be received from any person with respect to the said draft regulation within the above specified period, will be considered by the Central Government.

The objections or suggestions to this draft regulation may be addressed to **Under Secretary (ISH II), Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.**

DRAFT REGULATION

1. (i) This regulation may be called the Dock Workers (Safety, Health and Welfare) (Amendment) Regulations, 2019.
(ii) It shall apply to all major ports in India as defined in the Major Ports Trust Act, 1963 (38 of 1963).
(iii) It shall come into force from the date of their publication in the official Gazette.
2. In Regulation 73 of the Dock Workers (Safety, Health and Welfare) Regulations, 1990, following provisions shall be substituted, namely:-

Regulation 73: Protective equipment –

- (xix) Where other means of protection against harmful agents are impracticable or insufficient, dock workers shall be provided with adequate Protective Clothing and Personal Protective Equipment (PPE) to shield them from the effects of such agents and shall be commensurate with the nature of work undertaken by them.
- (xx) Protective Clothing and Personal Protective Equipment shall be of suitable quality conforming to the relevant BIS Standards or any other standard as modified from time to time and maintained in good condition and shall be cleaned and disinfected at suitable intervals.
- (xxi) Where Protective Clothing and Personal Protective Equipment may be contaminated by poisonous or other dangerous goods, it shall be stored in a separate accommodation where it will not contaminate the dock workers clothing and other belongings.
- (xxii) Suitable protection equipment shall be issued to the dock workers employed in the reefer holds or chambers or reefer containers for affording complete body protection.

(xxiii) All the dock workers who are exposed to hazards shall use & maintain in good condition the Personal Protective Equipment provided to them on dock work.

(xxiv) To ensure the safety of dock workers, the employer shall make sure that-

(a) Following Personal Protective Equipments are provided to and used by the dock workers:

- (i) Safety helmet for the protection of head
- (ii) Protective footwear for the protection of feet
- (iii) Goggles and safety spectacles for the protection of eyes and face
- (iv) Gloves and Protective clothing to protect hand and whole body
- (v) Distinguishing clothing or reflective devices or otherwise conspicuously visible material when there is regular exposure to danger from moving vehicles

(b) Wherever necessary, dock workers shall be provided with and required to wear the following personal protective equipment:

- (i) Ear protection when exposed to noise
- (ii) Dust masks when exposed to excessive dust
- (iii) Waterproof clothing and head coverings when working in adverse weather conditions
- (iv) Safety harnesses with independently secured lifelines where protection against falls cannot be provided by other appropriate means
- (v) Life vests and life preservers where there is a danger of falling into water

(c) The Personal Protective Equipments shall be used after thorough testing by National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory and such test procedure shall be in accordance with relevant BIS Standards or any other standard as modified from time to time for a particular item of Personal Protective Equipment.

(d) The Personal Protective Equipment shall conform to the requirements laid down in Schedule-XXII.

Schedule-XXII

Requirements for Personal Protective Equipment

[See Regulation 73(vi) (d)]

13. Personal Protective Equipment (PPE) shall be

- p) Properly assessed before use to ensure that it provides the protection needed
- q) Maintained and stored properly
- r) Provided with instructions on how to use it safely
- s) Used correctly by employees and
- t) Worn the whole time the wearer is exposed to a particular risk

14. The employer shall

- v) Conduct risk assessment of hazards in their work places
- w) Define the characteristics of equipment necessary to protect their employees
- x) Ensure that all PPE in their workplace conforms to BIS standards
- y) Ensure that PPE is appropriate for the risks for which it is designed and to keep records of assessment and reasons for selecting particular type of PPE

- z) Ensure that the PPE items prevent or control risks involved in a particular activity without increasing overall level of risk
 - aa) Ensure that the PPE items worn or used by an employee are compatible with other PPE items worn or used by the employees, and
 - bb) Ensure proper care, sanitation and hygiene of PPE in order to prevent allergic or infective diseases
15. The PPE shall have BIS mark for which it shall be tested by National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory and the testing shall be done in accordance with relevant BIS standards or any other standard as modified from time to time for a particular item of PPEs.
16. The BIS marked personal protective equipment shall be supplied with user guidance notes which shall provide the following information:
- p) The name of the manufacturer
 - q) The category of hazard for which the PPE is designed
 - r) The level of performance achieved by PPE item
 - s) Instructions for use, if relevant, and
 - t) Instructions for care and storage

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(Vibha Bhalla)
Joint Secretary to the Government of India