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Stevedores

Stevedores

CONTENTS

Introduction

Most types of ships require help with cargo operations in port, and the shore labourers that provide this are known variously as 'Dockers', 'Longshoremen' or 'Stevedores'. Whatever the name, they usually provide a very useful service – ranging from directing cargo operations to physically manhandling cargo and using ships' equipment, often in unpleasant conditions.

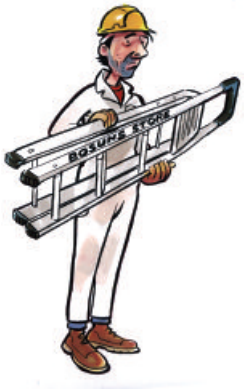
However, operations do not always proceed smoothly and stevedores may be injured, or cause injuries to crewmembers. They may also cause damage to cargoes or ships, fail to stow or secure cargoes properly, steal cargo or other property, or even present a security threat. In any event, when something does go wrong, an insurance claim is likely to arise – whether it be for injury, cargo damage or ship damage.

This briefing looks at a number of different aspects of stevedore operations, highlighting some of the regular problems and giving advice on how these can be avoided or addressed.

Preventing and dealing with stevedore injuries

Stevedores pose a regular and significant risk to shipowners for personal injury claims because they conduct potentially hazardous operations in an unfamiliar environment. Injuries to shore workers are often caused by differences in equipment or safety procedures and may be made worse if they fail to wear safety clothing such as harnesses, hats or shoes. However, shipowners are under the same obligation as they are for their own crew to provide a safe vessel and equipment at all times.

During the initial load / discharge co-ordination between ship and shore, it should be made clear to the stevedoring company that incidents must be promptly reported and agreed who bears overall responsibility for safety. Ship's staff should also ensure that stevedores are familiar with any onboard equipment they will use, especially hatch covers and lifting equipment such as cranes.



Stevedores should not be allowed to use equipment that is not purpose-designed, for example general-use ladders should not be used to gain access to container tops.

Record even minor incidents

A frequent complication of investigating or defending an injury claim is that incidents are not reported at the time to the vessel, and it could be months or years later before a legal claim is brought. It is then very difficult to defend the cause of the accident and often a case of trying to limit damages by discrediting evidence to the extent of injury or quantum claimed.

A record should be kept of any incident involving stevedores, even if the incident appears minor. When an incident is reported, the stevedore's statement should be carefully recorded and if possible his or her signature obtained. The master's accident report should be compiled, including details of any witnesses and their accounts of the facts. Wherever possible, photographs of where the incident took place should be taken to demonstrate the conditions in the immediate vicinity, ensuring the date and time is stated electronically or hand written.

A common claim is that of a slip or fall on deck where, even if reported, it can be difficult to establish whether any action could have been taken to prevent the injury. All deck areas should therefore be checked to be clear of any spillage or obstructions, and well lit, before access is allowed.

Allocate responsibility for deck operations

Not only are stevedores a risk to themselves, but they can also cause crew accidents. A common example with serious or fatal consequences occurs when using lifting equipment such as

Stevedores (cont.)

derricks, cranes or container spreaders. Clear overall responsibility for deck operations, whether with a ship's officer or stevedore foreman, should be established. Often the visibility of operations is restricted and therefore lines of communication should be confirmed.

Where ship's equipment is involved, the stevedores may contend it was defective rather than their use of it was at fault. It is very important to retain parts involved in an accident for further examination to rule out mechanical failure.

Personal injury claimants around the world are becoming more sophisticated in their knowledge of shipboard operations and shipowners need to meet this exposure with a robust safety conscious approach.

Controlling stevedore entry into enclosed spaces

IMO Resolution A.1050(27), which provides comprehensive guidance on procedures for entering enclosed spaces on ships, defines 'enclosed spaces' as those with limited openings for entry and exit, unfavourable natural ventilation and not designed for continuous worker occupancy (see separate loss prevention briefing). Clearly this includes many cargo spaces, so it is vital when loading and discharging that access by stevedores is carefully monitored and controlled in compliance with the ship's enclosed space entry procedures.

As with any enclosed space on a ship, the atmosphere in a cargo space may be deficient in oxygen, contain flammable gases or vapours, or contain toxic gases or vapours. Many types of cargo create specific hazards. For example, certain packaged dangerous goods may contain flammable, toxic or corrosive gases or vapours that displace oxygen. On ships carrying solid bulk cargoes, dangerous atmospheres may develop in cargo spaces and adjacent spaces. Cargo spaces may also be fumigated.

Oxygen depletion is a particular hazard from some cargo, caused by self-heating, oxidation of metals and ores, or decomposition of vegetable oils, animal fats, grain and other organic materials or their residues. Materials such as grain, some types of wood, fishmeal, and scrap metal are known to be capable of causing oxygen depletion. This list is not exhaustive; oxygen depletion may also be caused by other materials of vegetable or animal origin, by flammable or spontaneously combustible materials, and by materials with a high metal content.

Controlling stevedore access

It is therefore vital that the ship's safety management system includes proper procedures for entry into enclosed spaces, and that they are rigorously followed. More importantly, it is essential that these procedures control how stevedores gain access to cargo compartments.

In order to ensure safety, a competent person should always make a preliminary assessment of any potential hazards in the space to be entered, taking into account the cargo carried, or previously carried, ventilation of the space and other relevant factors. The competent person's preliminary assessment should determine the potential for the presence of an oxygen-deficient, flammable or toxic atmosphere. The procedures to be followed for testing the atmosphere in the space and for the entry should be decided on the basis of the preliminary assessment.

No stevedore should open or enter a cargo space unless authorised by the master or responsible duty officer and unless the appropriate safety procedures laid down for the particular ship have been followed.

Damage to the ship and equipment

There are various ways that stevedores can damage a ship or its equipment.

Operations within the ship's holds

Many cargoes require the use of machinery in the ship's holds. Such equipment can easily damage the ship's structure, including hold ladders, frames, bulkheads and even shell plating. Container cell guides can be damaged if containers are not handled properly.

Operation of grabs

If not used carefully grabs can cause damage to the ship's structure, particularly hatch coamings and, during the later stages of discharging, the tank tops if the grabs are dropped into the cargo.

Cargo handling generally

Tank tops are especially prone to damage when heavy cargoes such as pig iron or scrap are loaded, unless handled carefully. Other cargoes are also sometimes dropped by accident, causing damage.

Operation of ship's cranes

Ship's cranes and other cargo handling gear are often damaged by being used in ways that they are not designed for. Swinging loads, often done with grabs to reach corners of the holds, and dragging loads within the holds are perhaps two of the most common causes. By handling cargo roughly a stevedore crane driver can generate shock loads on the crane, which may cause wires to part and the crane jib to collapse.

Stevedores (cont.)

Loss prevention

There are already heavy demands on ship's crews. There are therefore limits as to what steps can be taken to control the activities of stevedores and reduce the likelihood of the ship or its equipment being damaged by them. Nevertheless some basic actions are worth taking.

One of the simplest is to have crew on deck to observe and supervise the stevedores. This does not mean telling the stevedores how to do their job, rather it means being able to intervene to prevent damage, or to stop further damage, if the stevedores seem to be working in an inappropriate or dangerous manner. Stevedores should be challenged immediately and, if that has no effect their foremen should be involved, then if necessary, the ship's more senior officers. Further assistance may be available through the local agents and the Club's correspondents in the port.

At the very least there should be close liaison between the ship's officers and the stevedores' foremen. We strongly recommend a meeting at the beginning of cargo handling operations to establish lines of communication.

If the ship's cranes are to be operated by stevedores, have a briefing with the crane drivers before work starts. Make sure they properly understand how the crane operates and warn them against any practices that are improper and may cause damage to the crane, the ship or cargo, or may lead to injury. Again, lines of communication should be established with the crane drivers or the foremen and a set of signals for directing crane drivers agreed. Post clear instructions for the operation of the cranes inside the operators' cabins and draw the crane drivers' attention to them. If the stevedores cannot read or understand the language the instructions are in, then it is all the more important that there should be a briefing before work starts.

It is important to remember that the master has not only a right, but also an obligation, to care for the safety of the ship and cargo. If stevedores are acting in a way which endangers the ship in any way, he or she must take steps to stop the stevedores doing so. It is strongly recommended that masters seek guidance and advice in this regard from the Club's local correspondent.

Notices and evidence

Charterparties often require notices to be given about stevedore damage, usually to the stevedores themselves and to the charterers. Notices normally have to be given within a certain time of the damage occurring or being discovered, which is often a very short period.

It is therefore very important that notices are given as soon as possible after an incident. Send them to the stevedores, charterers (either directly or by way of the agents), local agents and anyone else who may need to be aware of the incident – such as the port authority or harbour master. If in doubt, serve a notice anyway and, if necessary, seek help and guidance from the local correspondent.

Contemporaneous evidence is vital. Without good evidence it is difficult to pursue a claim successfully for damage to the ship from stevedores or charterers, who may be responsible for the stevedores and their actions. If the activities of the stevedores are monitored by the crew, a crewmember may then actually see an incident occur and be able to give an eyewitness account of it. This can help an owner's case greatly.

Evidence needs to be gathered quickly and as soon as possible after the incident. The Club should be notified immediately so that arrangements can be made. Any delay, can make the task of pursuing a claim harder and reduce the chances of it succeeding.

Controlling security risks

Since the introduction of the ISPS Code, the obligation has been placed on ships' crews to ensure that stevedores do not present a security risk. In many parts of the world where the stevedore workforce is well regulated, this should not be a problem. Elsewhere, however, this may cause significant difficulties.

An advantage of controlling stevedore operations under the ISPS Code is that it should also be an opportunity to identify and control the stevedores onboard, thus preventing casual theft and pilferage as well as preventing assistance being given to stowaways.

This briefing provides examples of the sort of measures ship operators might include in their ship security plans to implement the two key elements of stevedore control: access and restricted areas.

Controlling access routes

At any level of security, access to the ship should be tightly controlled. Initially this means establishing the ways by which access can be gained, for example using cargo equipment, as well as by accommodation ladders and ramps.

The approved access route, usually the accommodation ladder, should be permanently manned and only persons who have a proper reason should be allowed to board. All stevedores boarding and disembarking should be positively identified by an appropriate means of identification, such as an identity card

Stevedores (cont.)

or boarding pass – preferably including a photograph – which can be verified. This may also provide the opportunity to ensure that stevedores are not allowed on board unless they are wearing suitable personal protective equipment.

Having established controls on the authorised access routes, the unauthorised routes should be guarded. This can be achieved by closing and locking ship-side doors, removing over-side ladders, fitting guards on mooring ropes or anchor cables and ensuring that the deck and over-side areas are well lit. There may be a particular problem with stevedores using cargo equipment to board and this should be discouraged.

Designating restricted areas

Although access to the ship is controlled, there is still a possibility that stevedores may try to hide as stowaways, or enter the accommodation or cargo areas not being worked. The second line of defence on the ship is to designate restricted areas to which no-one has access except authorised members of the crew.

Examples of restricted areas are the bridge, machinery spaces, crew accommodation, stores spaces and cargo spaces where no cargo work is taking place. Fitting suitable locks, surveillance monitoring equipment and devices that detect intruders automatically can protect these. The added advantage of these precautions is that they reduce the risk of personal injury and pilferage. Restricted areas should also be patrolled regularly, and guarded in times of heightened security.

As a final precaution, and to supplement the measures taken under the ship security plan, a stowaway search should be carried out before the ship sails to ensure that no stevedores remain hidden aboard.

Responsibilities for stowing and securing cargo

Loading and discharging have traditionally been regarded as a joint operation carried out by the owner, the charterer and the shipper / receiver.

The traditional view is that the charterer is responsible for arranging for the cargo to be delivered to the port of loading and the owner is responsible for positioning the ship at the port.

The shipper is responsible for bringing the cargo to the ship's rail, at which time the owner takes over again to arrange for proper stowage and securing of the cargo in the ship's hold. At discharge, the owner is again responsible for unlashing and discharging to the ship's rail, where the receiver takes over. Stowing and securing, therefore, has always been regarded as being the master's role, assisted by the ship's officers and working through the crew.

However, modern trading patterns have amended traditional roles so that sometimes an owner can be held responsible for all cargo operations within a port area, or all cargo handling operations can be the responsibility of a charterer. This transfer of responsibilities, either entirely to the owner or entirely to the charterer, can be done by the terms of the relevant charterparty or the bill of lading.

Effects of interference

Even if responsibility for cargo operations has been accepted by one party, this can be affected by subsequent actions of other parties. If, for instance, cargo handling is the responsibility of the cargo interests but the master interferes, the master will be responsible to the extent this interference caused or contributed to any eventual cargo damage. Likewise, if the responsibility for cargo handling is retained by the master but the charterer's superintendent, for instance, interferes, then the charterer would be responsible to that extent.

It is not entirely clear what constitutes 'interference' so as to transfer responsibility. If a master gives instructions to stevedores to proceed in a way different from that ordered by cargo interests, then this would be interference. If, however, the master protests against an intended course of action, as a result of which cargo interests alter their intended plan of stowage or lashing, this probably does not constitute interference.

Stevedore competence

Whoever accepts responsibility for stowage and securing, stevedores will usually be contracted to do the work – and the person appointing them must select a competent company. It is a question of fact, to be decided by an arbitration tribunal or court, whether actions carried out by stevedores were competent or not.

However, it seems to be a generally held opinion that if all stevedoring companies at a certain port can be said to be incompetent, a charterer will not be at fault if the company it appoints is no more incompetent than any of the others.

Advice to masters

Always find out from the owner who is responsible for cargo operations at each port. If you are responsible, ensure you control the stevedores. When the stevedores are not responding to your orders, issue protests. If you believe the methods of stowage or securing used expose the cargo to damage, you are entitled to refuse to continue loading until stowage and lashing is done to your satisfaction.

If the charterer is responsible and, again, you believe the methods of stowage or securing expose the cargo to danger of damage, you should protest and offer advice as to how stowage or securing could be improved, but you should not give instructions to stevedores directly.

If the charterer and cargo interests are responsible for cargo handling and you believe the methods used expose not only the cargo to damage but also present a danger to the ship and its crew, you are entitled to stop loading until the cargo is re-stowed at least sufficiently to prevent danger to the ship and crew.

Stevedores (cont.)

In any event, you should always keep the owner and, if possible, the charterer fully aware of your concerns. Please also be aware that, at any time, you can call on the assistance of the Club.

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