

The Health and Safety 'Six Pack'

Information for UNISON branches, stewards and health and safety reps

UNISON's guide to:

- The Health and Safety at Work Act/(Northern Ireland) Order
- The Management of Health and Safety at Work Regulations
- The Display Screen Equipment Regulations
- The Manual Handling Operations Regulations
- The Personal Protective Equipment at Work Regulations
- The Provision and Use of Work Equipment Regulations
- The Workplace Health, Safety and Welfare Regulations

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Introduction

This is a guide for UNISON health and safety representatives on a group of six Regulations popularly known as 'the health and safety six pack'. These are:

- The Management of Health and Safety at Work Regulations
- The Display Screen Equipment Regulations
- The Manual Handling Operations Regulations
- The Personal Protective Equipment at Work Regulations
- The Provision and Use of Work Equipment Regulations
- The Workplace Health, Safety and Welfare Regulations

These Regulations have been amended and updated at various times. They implement various European Directives on health and safety. They also clarify how employers must comply with their duties under the Health and Safety at Work Act 1974 (for Great Britain) or the Health and Safety at Work (Northern Ireland) Order 1978 (for Northern Ireland).

The purpose was to harmonise health and safety legislation throughout Europe. Some of the six pack Regulations have Approved Codes of Practice (ACoPs) and/or official Guidance produced or approved by the Health and Safety Executive (HSE) (for GB) or the Health and Safety Executive Northern Ireland (HSENI). These give practical advice on what should be done to comply with the law. Employers and others do not have to follow ACoPs. However, if a court asks, they need to be able to prove that if they do not, their alternative arrangements have the same or better standards of health and safety. The official Guidance is not legally enforceable, but does indicate the standards and procedures that will be expected by health and safety inspectors.

This UNISON guide summarises the Regulations, the Codes, and the Guidance. When the word 'must' is used within the guide, this refers to a legal

requirement, either a Regulation or ACoP. The word 'should' indicates advice from the official Guidance.

This guide also gives a brief introduction to the Health and Safety at Work Act (for GB) and Health and Safety at Work Order (for NI), and in chapter 8, refers to other sources of information, including other important health and safety laws.

Chapter 1: The Health and Safety at Work Act 1974/(Northern Ireland) Order 1978

This Act and Order were designed to ensure that all workers in all occupations were covered by health and safety law. Rather than lots of different laws covering different groups, they provide a framework within which all work related health and safety can be regulated under the same principles.

Reasonably practicable

The Act and Order are written in very general terms and the duties on employers are qualified with the words 'as far as is reasonably practicable'. This means that where there is a risk of harm which cannot be prevented or avoided, then employers are expected to take "reasonably practicable" steps (appropriate action) to control or minimise the risks. Put simply, the more likely it is that harm will occur, and the more serious that harm could be, the more the employer is expected to do. However, some employers have wrongly used this to argue that the costs of a particular safety measure are too high to do anything. See UNISON's guide on risk assessment for more information on this – further details in chapter 8.

Just below, are summaries of the main sections of the Health and Safety at Work Act or the main articles of the Health and Safety at Work Order.

Section 1/Article 3

This states the general purpose of Part 1 of the Act or Part 2 of the Order, which is:

- Maintaining or improving standards of health, safety and welfare of people at work.
- Protecting other people against risks to health and safety arising out of work activities.
- Controlling the storage and use of dangerous substances.

- Controlling certain harmful or unpleasant emissions into the air from certain premises.

Section 2/Article 4

This puts a general duty on employers to:

- Ensure the safety, health and welfare at work of their employees.
- Consult on arrangements for action on health and safety matters with duly appointed trade union safety reps.
- Establish a health and safety committee if requested by the trade union safety reps. See UNISON's guide on the Safety Representative and Safety Committee Regulations for more information on this – further details in chapter 8.
- Prepare and publicise a written statement of their safety policy and arrangements.

This section/article also makes provision by Regulations for the appointment of workers' safety reps by recognised trade unions. This led to the Safety Representative and Safety Committee Regulations. UNISON's guide gives more information on these – further details in chapter 8.

Section 3/Article 5

This places a general duty on employers and the self employed to ensure that their activities do not endanger anybody. In certain circumstances, they are also required to provide information to the public about any potential hazards to health and safety.

Note on the Self-Employed

Since 1 October 2015, the self-employed in Great Britain have not had to follow health and safety law if their work activity poses no potential risk to the health and safety of other workers or members of the public.

However, certain types of work are specifically listed (prescribed) so that it is clear that health and safety law will always apply to the self-employed in these areas. They include: agriculture, asbestos, construction, gas, genetically modified organisms, and the railways.

Also note, that being self-employed for tax and national insurance purposes does not guarantee being recognised as self-employed for health and safety purposes.

For more information, go to the Health and Safety Executives (HSEs) website: www.hse.gov.uk/self-employed.

Section 4/Article 6

This places a duty on anybody responsible for places of work to ensure that the premises themselves, as well as plant and machinery in them, do not also endanger people using them who are not employees.

Section 5

Anyone in control of certain prescribed premises must use the best practicable means to prevent noxious or offensive (harmful or unpleasant) substances being emitted into the atmosphere. Any substances that are emitted must have been made harmless and inoffensive.

Note that there is no equivalent article in the Order for NI, but the requirements by this section are likely to be far more developed by environmental law. So if this section is of interest, the relevant environmental laws for GB and NI should also be checked.

Section 6/Article 7

This places duties on anyone who designs, manufacturers, imports or supplies an article or substance for use at work. They must ensure so far as is reasonably practicable see, that the article or substance is safe and without risk to health when used, cleaned or maintained in accordance with the information supplied by them. See page 2 for an explanation of what is meant by 'reasonably practicable.' The duty also requires the provision of necessary, up-to-date and revised information and the carrying out of necessary testing, inspection and research. Those who install plant also have a duty to ensure that it is safely installed.

Section 7/Article 8

This places duties on employees to take reasonable care to ensure that they do not endanger themselves or anyone else who may be affected by their work activities. It also requires them to co-operate with employers and others in meeting legal requirements.

Section 8/Article 9

This places a duty on everyone not to misuse anything provided in the interests of health or safety at work under a legal requirement.

Section 9/Article 10

This provides that no employer may charge their employees for anything done or equipment provided for health or safety purposes under a legal requirement.

Section 15/Article 17

This section/article allows the appropriate government minister to make Regulations on health and safety under the Act or Order. This is how the health and safety six pack Regulations were introduced.

Section 28(8)/Article 30(9)

This requires health and safety inspectors to supply certain information on health, safety and welfare matters affecting safety, to the relevant workers or their representatives.

Other sections/articles

The other sections or articles of the Health and Safety at Work Act or Order not mentioned above, are more about procedures and administrative arrangements. These cover the creation and operation of the Health and Safety Executive (HSE) (for GB) or the Health and Safety Executive Northern Ireland (HSENI), Approved Codes of Practice (ACoPs) and their use in legal proceedings, and who enforces health and safety law and how, etc.

To see what the Act or Order means in practice, it is necessary to look at the regulations made under them, or the official ACoPs and Guidance.

Chapter 2: The Management of Health and Safety at Work Regulations

Summary of duties and rights

These (Management) Regulations cover some of the main general principles for ensuring health and safety at work, including the requirement to risk assess. They cover employers, the self-employed, and employees. However, since 1 October 2015, the self-employed can be specifically exempt from any duties they might otherwise have had under health and safety law. However, this is only if their work activity poses no potential risk to the health and safety of other workers or members of the public, and their work is not on the prescribed list of types of work that cannot be exempted. See page 3 for further detail.

These Regulations are wide ranging, expand the rights of trade union safety reps, and may overlap with more specific topic based Regulations. Where this is the case, compliance with the “topic” Regulations will normally be sufficient to comply also with the Management Regulations. However, if the Management Regulations go further then these also need to be complied with.

For Great Britain the accompanying Approved Code of Practice (ACoP) and Guidance to these Regulations were withdrawn in 2013, but the requirements under the Regulations did not alter. Also, the Health and Safety Executive (HSE) website still has various Guidance on managing health and safety, aimed at different sized employers, and this can be found at: <http://www.hse.gov.uk/managing/index.htm>. In Northern Ireland, the accompanying ACoP and Guidance is still in use. For the purposes of this UNISON guide, there is no difference to the content either way, with it equally reflecting the ACoP and Guidance in NI and the web based Guidance for GB.

Employers' duties are to:

- Assess the risks to the health and safety of their employees and others who may be affected by the business or work to identify the measures

needed to avoid hazards or minimise or control risks so far as is reasonably practical. See page 2 for an explanation of what is meant by ‘reasonably practicable.’ There are specific requirements in respect of young workers, new and expectant mothers and women of childbearing age. Employers with five or more employees must record the significant findings of the risk assessment.

However, it is good practice for all employers even small ones, to do this as well. Having this record shows that they have carried out a risk assessment should a health and safety inspector visit. It will also act as a future reminder to check that they have done everything that was required, and help consider whether anything more can be done when carrying out a review.

- Make arrangements for implementing the health and safety measures identified as being required by the risk assessment. These arrangements must cover health and safety planning, organisation, control, monitoring and review as appropriate. Again, employers with five or more employees must record their arrangements.
- Appoint competent people to help with the implementation of health and safety arrangements.
- Set up emergency procedures.
- Provide information to employees which can be understood, as well as adequate training and instruction.
- Work together with other employers sharing the same workplace.

Employees' duties are to:

- Use equipment and dangerous substances in accordance with the training they have received.
- Report dangerous situations and any shortcomings in their employers' health and safety arrangements.

Rights of trade union safety reps are:

- To be consulted by their employer in good time on:
 - Any measure which may substantially affect the health and safety of employees whom the safety rep represents.
 - The appointment of competent people to provide health and safety assistance to the employer.
 - The appointment of people to oversee emergency procedures.
 - Any health and safety information provided to employees whom the safety rep represents.
 - The planning and organising of health and safety training.
 - The health and safety effects of new technologies. Safety reps must be consulted from the planning stage.
- To have provided by the employer any facilities and assistance that safety reps may reasonably require to carry out their safety rep functions.

These rights expand upon the safety reps rights to consultation under the Safety Representative and Safety Committee Regulations, and are included within them as Regulation 4A. UNISON's guide gives more information on these Regulations – further details in chapter 8.

The Regulations step by step

Regulation 1: Date and title

The Management of Health and Safety at Work Regulations first came into force in 1993 and have been amended a number of times.

Regulation 2: Exclusions

So far as UNISON members are concerned, these Regulations apply to all workplaces as the few partial exceptions are unlikely to apply. The exceptions cover work on a ship at sea; and short term or occasional work involving domestic service in a private household or work that is safe and done by a young worker in a family business.

Regulation 3: Risk assessments

All employers must make a 'suitable and sufficient' assessment of health and safety risks to:

- Employees whilst at work, and
- Other people not employed by that employer. This covers visitors, agency staff and contractors, and members of the public including patients, clients, pupils and students.

The purpose of this risk assessment is to identify measures needed to bring health and safety standards up to the legal requirements. So it is not enough for employers to make an assessment and then forget about the results. Remember that as well as specific and topic based laws, employers must also comply with the general requirements of the Health and Safety at Work Act or Order.

Self-employed workers have a similar duty to assess risks to themselves and others. This is worth noting in connection with contractors and agency staff who are self-employed. Remember the exemption in GB from health and safety law only applies to the duties self-employed persons would otherwise have owed, and only if their work is not prescribed, and poses no potential risk to the health and safety of others. See page 3 for further detail.

- For young people (below 18), the Regulations are clear that employers must not employ them unless they have carried out or reviewed a risk assessment (as described above) which also specifically takes their health and safety into account. So this can be the same risk assessment as above, as long as young workers are covered by it, and the following factors are specifically considered:
 - Their inexperience, lack of awareness of risks, and immaturity;
 - The fitting-out and layout of the workplace and the workstation;
 - The type, length, and how they may be exposed to physical, biological, and chemical agents and substances;

- The type and use of work equipment and how it is used;
- How processes and activities are organised; and
- The extent of health and safety training provided in general or specifically to young persons.

An assessment must be reviewed if:

- There is reason to suspect it is no longer valid. Reasons could include complaints from employees or union reps, accident and illness records, warnings from enforcement agencies.
- There has been a significant change in the matters to which it relates. For example, changes in work methods, staffing, shift patterns, equipment, chemicals, management responsibilities or structure could all make an assessment out of date and in need of review.

Employers with five or more employees must record (paper or electronically):

- Significant findings of the assessment.
- Any group of employees especially at risk.

However, it is good practice for all employers even small ones, to do this as well. Having this record shows that they have carried out a risk assessment should a health and safety inspector visit. It will also act as a future reminder to check that they have done everything that was required, and help consider whether anything more can be done when carrying out a review.

Safety reps have a right to see copies of the assessment records, and should check that all jobs, workplaces and workers (including any away from the employer's premises) have been fully assessed. Decisions about which findings are 'significant' will vary, so safety reps should get involved in risk assessments from the start and insist on copies of all the results.

Further and more detailed guidance on how safety reps can check their employers risk assessments, including the measures of prevention and control, is covered in UNISON's guide on risk assessment. See chapter 8 for further details.

Regulation 4: Principles of prevention

When implementing the measures of prevention and control from risk assessments, employers must do it on the basis of a set of general principles which are included in the Regulations. These are:

- Avoid the risk (or hazard) so far as is reasonably practical. For example clean upstairs windows from the ground by using an extendable pole and thereby avoid the risk of a fall from height. See page 2 for further explanation of what is meant by 'reasonably practicable.'
- Evaluate (assess) the risks which cannot be avoided.
- Combat the risk at source. If for example, materials are received in heavy packages, ask for smaller packages or units to be delivered.
- Adapt the work to the individual (especially the design of workplaces, choice of work equipment, and ways of working).
- Adapt to technical progress and advances which may be safer.
- Replace the dangerous by the non-dangerous or less dangerous. For example use water based paint in place of solvent based paint. However, when doing this, employers need to risk assess the replacement for any new or potentially worse hazards.
- Develop a coherent prevention policy to cover all the areas of work.
- Prioritise collective protective measures over individual protective measures. For example, if there is a risk of a fall from a work platform, install a barrier in preference to providing personal protective equipment such as safety harnesses.
- Give appropriate instructions to employees.

Regulation 5: Health and safety arrangements

All employers must make and put into effect arrangements for the effective:

- planning,
- organisation,
- control,
- monitoring, and
- review,

of their measures to prevent and control exposure to hazards and to manage health and safety more broadly.

Employers must have an effective health and safety management system. Whilst the Regulation still refers to: planning, organisation, control, monitoring, and review; the HSE's guide, Successful Health and Safety Management (HSG65) now refers to plan, do, check and act. It outlines the expectations on employers to manage health and safety in the workplace:

- *Plan* – policies, aims, and targets on health and safety legal requirements including potential emergencies.
- *Do* – assess risks; apply measures of control and prevention; involve, train, instruct and supervise workers; and provide the right tools and equipment for the work.
- *Check* – ensure plans are implemented; assess if risks are controlled and how well aims and targets are met; and investigate causes of accidents, incidents, and near-misses.
- *Act* – review performance; revisit policies, plans, and risk assessments; learn from and take action following accident investigations, incidents, and ill-health data, near-miss reports, and the results of any monitoring or auditing, etc.

Further information on this is available from the HSE website at <http://www.hse.gov.uk/managing/index.htm>.

Employers of five or more employees must record their arrangements, but it is best practice for all employers to do so (see earlier). Safety reps should use their rights to be consulted about these arrangements and to receive copies of appropriate records.

Regulation 6: Health surveillance

Where risks remain (as identified by the risk assessment), employers must ensure that employees are provided with appropriate health surveillance. For health surveillance to be appropriate, there must be:

- an identifiable disease or adverse health effect related to the type of work,
- a reasonable likelihood that the disease or effect will occur, and
- a valid technique for detecting early signs of these, and which is not a risk to the employee.

The Control of Substances Hazardous to Health Regulations (COSHH) covers this requirement in more detail for workers exposed to certain hazardous substances including chemicals and biological substances. See UNISON's guide on hazardous substances at work for more information on this – further details in chapter 8.

Regulation 6 extends this provision to cover other workers, for example, workers at risk from musculoskeletal disorders such as repetitive strain injury (RSI) or back injury.

Health surveillance may also be required where there is exposure to noise, vibration, ionising radiation, asbestos, and lead; where other specific Regulations may apply.

Health surveillance should not be used instead of preventing or reducing risks. Nor should it be used, as a means of preventing future compensation claims, by getting rid of staff susceptible to harm or who start showing signs of injury or illness. UNISON branches may want to negotiate relocation agreements for employees who are no-longer able to do their present job.

Regulation 7: Health and safety assistance

All employers must appoint one or more competent persons to assist them to comply with their legal duties. Employers and self-employed workers can appoint themselves, but only if they are competent in health and safety. Larger employers are likely to appoint others to assist them. Competent persons can be employees or outside consultants and may work full or part time on health and safety assistance.

However, where there is a competent person already directly employed by the employer, that person must be appointed in preference to a competent person not in their employment. This restricts an employers ability to outsource or sub-contract this role. Also note that they cannot avoid their own health and safety duties by appointing competent people to assist them, employers still remain legally responsible.

Whoever is appointed as a competent person, employers must ensure:

- They are competent (see box below)
- There are enough competent people.
- They are allowed adequate time.
- They have adequate resources to carry out their functions. What is 'adequate' must be assessed by taking into account the size of the organisation, the risks to employees, and the distribution of those risks.
- They are informed about anyone who is employed under a fixed term contract or is from an agency.

If an outside consultant is appointed, the employer must:

- Inform the consultant of factors known, or suspected to affect the health and safety of employees or others.
- Allow the consultant access to the same information that employees are entitled to (see Regulation 10). Competent people who are employees should also receive this information as employees.

Competent persons

The definition of a competent person in these Regulations is someone who 'has sufficient training and experience or knowledge and other qualities to enable him (or her) properly to assist in undertaking (preventive and protective) measures'. To be competent the individual appointed should have a knowledge and understanding of:

- *The work being assessed.*
- *The applicable hazards.*
- *The principles of risk assessment and prevention of risk.*
- *Up-to-date health and safety measures.*

They should also be able to:

- *Identify health and safety issues.*
- *Assess the need for action.*
- *Design, develop and implement strategies and plans.*
- *Check the effectiveness of these strategies and plans.*
- *Promote health, safety and welfare advances and good practices.*
- *Know their limitations and when to call for others with specialist skills or expertise.*

Safety reps should use their rights to be consulted on the appointment of competent people, the box above on competent people should be of help with this. Try to agree clear criteria for appointments and the provision of training, time and information.

If members are offered this role, make sure that they get adequate training and time off other work to carry out their functions as competent people. This additional training and skills could also lead to members being regraded. Safety reps should not be given this role just because they are a safety rep as this is not part of the safety rep role.

Regulation 8: Procedures for serious and imminent dangers and dangerous areas

All employers must set up procedures to be followed in the event of serious and imminent danger to people at work. These may include when to stop work, potential risks, procedures to be followed, and who is responsible for dealing with the emergency. COSHH has a similar requirement for plans and procedures for accidents, incidents, and emergencies. See UNISON's guide on hazardous substances at work for more information on this – further details in chapter 8.

Although this Regulation refers only to 'persons at work', employers also have responsibilities to protect members of the public from dangers (see Regulation 3, and the Health and Safety at Work Act or Order). Try to get agreement that emergency plans take account of anyone (including visitors, patients, pupils, etc) who may need to be evacuated from danger.

The Regulations do not define 'serious and imminent danger' as this will vary from one job to another. Examples could include escape of toxic chemicals, risk of explosions, risks of buildings collapsing or risk of electrocution.

Employers must also:

- Nominate a sufficient number of competent persons to implement the evacuation of the premises.

- Restrict access to dangerous areas, ensuring that only employees who have received adequate health and safety instruction can enter. Entry to dangerous areas should be restricted, for example by a permit-to-work system or by locking up rooms or equipment. Examples of these areas could be laboratories, electrical plant rooms, incinerators, confined spaces, or where an emergency has occurred.
- Inform people at work about serious and imminent danger and the necessary precautions to be taken.
- Enable people at risk of serious, imminent and unavoidable danger to stop work and immediately proceed to a place of safety, if necessary by taking steps in the absence of further Guidance or instruction. Note that the right here, to stop work is limited to only 'serious, imminent and unavoidable danger'. This means changes which are going to happen immediately and which cannot be avoided except by getting away from the area fast.

This Regulation does not give workers the specific right to refuse other dangerous or unhealthy work. Instead, try to use the more general employees' duty under the Health and Safety at Work Act or Order. This requires every employee to 'take reasonable care for the health and safety of himself (or herself) and of others'. So it could be argued that employers who insist their employees do dangerous or unhealthy work are telling employees to break the law.

- Prevent people at risk from resuming work where there is still a serious and imminent danger but for exceptional circumstance, such as those who need to deal with the emergency or where human life is otherwise at risk. This might cover for example, the emergency services, but any such persons must be trained and be following procedures covering the special protective measures that need to be taken, etc.

Regulation 9: Contact with external services

Employers must ensure all necessary contacts with the emergency services are in place regarding first aid, emergency medical care and rescue work.

The scale of and what is arranged will depend on the nature of the organisation, but clearly hospitals, high-rise offices, large educational establishments, and similar employers will need quite detailed policies and procedures. This may vary from employees knowing the necessary emergency telephone numbers, to where there is a significant risk, being able to contact the exact type of help required.

Regulation 10: Information for employees

All employers must provide their employees with 'comprehensible and relevant' information on:

- The risks identified by the assessment.
- The measures to prevent or protect against these risks.
- The procedures to be followed in the event of serious and imminent danger, including any measures for fire fighting.
- The competent people appointed to oversee the emergency procedures, including fire fighting.
- The risks from the work of other people working in shared premises. This means that employees should be informed of risks from contractors' work, for example, or from other employers in another part of the building.

This Regulation extends the general duty on employers to provide health and safety information to employees. Information must be 'comprehensible and relevant', so information full of technical or medical jargon will not meet this legal requirement. For employees with little or no understanding of English or who cannot read English, employers may need to make special arrangements. These could include providing translation, using interpreters, or in some cases replacing written notices with clearly understood symbols or diagrams.

Before employing a child (broadly defined as someone under 16), employers must also give information to their parents. This must cover the risks to health and safety, the preventative and protective measures, and the risks from others working in shared workplaces.

Regulation 11: Co-operation between employers

Where employers share a workplace (on a temporary or permanent basis) each employer must:

- Co-operate with other employers on the premises 'as far as is necessary' to enable them to comply with legal duties.
- Take all reasonable steps to co-ordinate the measures they take to comply with health and safety laws.
- Take all reasonable steps to inform other employers about the risks to their employees health and safety from their work or business. So for example, employer A must tell employer B about the risks from A's work to B's employees.

Regulation 12: Working on other people's premises

All employers or self-employed persons must provide the employer of contractors with 'comprehensible' information on:

- The risks to their health and safety from the premises or the work. For example, in building repair work warn about asbestos or fragile roofs; or with maintenance contracts warn about contaminated equipment.
- The preventive and protective measures that the employer has taken against risks. For example, the relevant safe working practices such as the need to wear earmuffs in noisy areas or about restricted access to dangerous areas or equipment.
- The competent people nominated to oversee evacuation from the premises (under Regulation 8).

All employers or self-employed people must also give other workers who are not their employees, appropriate instructions and comprehensible information on:

- Any risks to their health and safety from the other employers/self-employed persons work or business.
- The measures of prevention or control.
- Who is nominated to carry out an evacuation if there is an emergency.

Contractors' employees should know what to do in the event of serious and imminent danger.

Procurement/Contracting Out

When an employer contracts out a service they still retain health and safety responsibilities. They must be satisfied that the contractor they choose can do the job safely and without risks to health. This means both ensuring health and safety is included in any contract specifications, and that there are appropriate processes in place for ensuring that the work is carried out in a safe and healthy manner. Further advice on procurement is available from the UNISON website at <https://www.unison.org.uk/get-help/knowledge/contracts/procurement/>.

Under the Health and Safety at Work Act/Order, Sections 3 and 4/Articles 5 and 6, employers have general duties to ensure that they do not endanger others who are not their employees. This means that contractors and main employers have duties towards each others' employees.

Regulations 11 and 12 set out more explicitly what employers need to do to ensure that they do not endanger the health and safety of the employees of others. Employers' risk assessments should take into account any other employees or self-employed workers on the premises.

Contracts should specify who is responsible for health and safety arrangements. This is so that matters such as training, protective clothing, maintenance of equipment, occupational health

and accident reporting are sorted out before work begins.

Regulation 13: Capabilities and training

When giving employees tasks, employers must take into account 'their capabilities as regards health and safety'. This might include physical and mental capabilities, as well as their training, knowledge and experience; and whether further training might be appropriate.

All employers must ensure that employees are provided with adequate health and safety training when:

- They are recruited (induction training).
- Exposed to new or increased risks due to:
 - A transfer of job or a change in responsibility.
 - The use of new equipment or the change in use of existing equipment.
 - The use of new technology.
 - A new system of work being introduced or there is a change in the existing system of work.

This health and safety training must be:

- Repeated periodically where appropriate (refresher training).
- Adapted to take account of new or changed risks to employees (as outlined above).
- Take place during working hours.

The ACoP for this Regulation in NI states that 'If it is necessary to arrange training outside an employee's normal hours, this should be treated as an extension of time at work'. Whilst the ACoP no longer exists for GB, a case (Duthie v Bath and North East Somerset Council) quoted in the guide to the Safety Representative and Safety Committee Regulations is of use. It makes it clear that safety rep training outside of normal hours for a part-time worker should be treated as paid time because it meets the definition of work. It is likely that work related training for employees would also therefore be covered. Therefore any agreements on overtime payments

or time off in lieu should apply. For UNISON's guide to the Safety Rep Regulations, see further details in chapter 8.

The Regulations do not define 'adequate' training, but this should include:

- All the risks that employees are exposed to and the precautions needed.
- The arrangements for reporting hazards, incidents, illnesses and accidents.
- The emergency procedures.

The Safety Rep Regulations also state that safety reps must be consulted about the plans and organisation of health and safety training.

Regulation 14: Employees' duties

All employees must:

- Follow the instructions and training given by their employer in the use of any machinery, equipment, dangerous substances, transport, or safety devices.
- Inform their employer of:
 - Any work situation which is a serious and immediate danger to health and safety, and
 - Any shortcomings in the employers' arrangements for protecting health and safety.

This duty to inform the employer is limited to:

- So far as the employees training and instruction would reasonably enable them to identify the issue,
- Relates to either their health and safety or their own work, and
- Has not been previously reported to the employer.

Employers must ensure that employees receive adequate training or instructions to enable them to recognise dangerous situations or faulty equipment and subsequently report them.

The duty to report by employees does not reduce the duties on employers to: make their own assessment of risks; introduce improvements; and manage health and safety by appropriate inspection, training, and maintenance regimes. Employers cannot get out of their own responsibilities simply by claiming that faults were not reported to them.

Regulation 15: Temporary workers

All employers and self-employed workers must provide temporary workers (before they start work) with 'comprehensible' information on:

- Any special occupational qualifications or skills required to do the job safely, and
- Any health surveillance required to be provided to them by law.

This Regulation applies to temporary workers on fixed-term contracts and those supplied by an agency. The employment agency must also be told about any special qualifications required, or any specific features of the work that are likely to affect the employees health and safety. The employment agency must ensure that this information is given to the employees.

Regulation 16-18: New and expectant mothers

Where women of childbearing age are employed and the work could involve risk to a new or expectant mother or her baby, the risk assessment must include an assessment of that risk. This is regardless of whether the employer knows that any of the women are pregnant.

Once any woman notifies their employer that they are pregnant or are a new mother; if the risks cannot be removed (see box below), then the worker can be suspended on full pay for as long as is necessary. A new mother is a women who has given birth within the last six months or is breastfeeding.

Risks to the health and safety of new and expectant mothers

The risks to the health and safety of new or expectant mothers include those from:

- *Any processes or working conditions.*
- *Physical, biological, or chemical agents or substances, including: shock, vibration, movement, noise, extremes of heat or cold.*
- *Mental or physical fatigue.*

Risks may be removed by putting in place measures of prevention or control, including if reasonable, changing the working conditions or hours, or suspension on full pay.

The mother has a right to be offered if available, suitable alternative work before being suspended. Suitable means suitable to her and the circumstance, and if different, with terms and conditions which are not substantially worse. These protections come from section 67 and 68 of the Employment Rights Act 1996.

If she works at night and has a medical certificate that says she should not, again the employer must offer the mother suitable alternative work if available, with terms and conditions not substantially less favourable. If not available, the employer should suspend her for so long as is necessary on full pay.

The employer may require the production of a certificate confirming the pregnancy. This should then be supplied within a reasonable time, otherwise the employer need not continue providing the alternative work, hours, or paid suspension.

Regulation 19: Young workers

Before they are employed, Regulation 3 insists that young persons (those under 18) and a list of particular factors, be specifically considered in a risk assessment.

Regulation 19 states that every employer must ensure that their employees who are young persons are protected at work from any risks to their health and safety, which may result from: their lack of experience, an absence of awareness of potential risks, or their lack of maturity.

An employer must not employ a young person where the risk assessment shows that:

- The work is beyond their physical or psychological capacity.
- The work involves exposures to substances which are toxic or carcinogenic, may cause heritable genetic damage, may affect their health long-term in some other way, or may harm an unborn child.
- The work involves harmful exposure to radiation.
- The work involves a risk of accidents which (due to their lack of attention to safety, experience, or training) they would not reasonably be expected to recognise or avoid.
- The work involves a risk from noise, vibration, or extreme cold or heat.

The only exception is that a young person who is not a child (that is below 18 but above 15) may be employed for work involving the above risks where:

- It is necessary for their training,
- They will be supervised by a competent person, and
- Any risks will be reduced to the lowest level reasonably practicable. See page 2 for an explanation of what is meant by 'reasonably practicable.' However, the requirement to risk assess under Regulation 3 and specifically consider young persons and the particular factors listed, and any other legal prohibition or restriction will still apply to their training and the employers duties.

Checklist for assessing management action

Risk assessments

- Are management doing their risk assessments?
- Are all jobs, workers and hazards covered?
- Are risks to contractors, patients, clients, pupils, visitors, etc. covered?
- Are competent people, who understand about health and safety and the type of work carrying out the assessments?
- Are safety representatives involved in the assessment process?
- Are safety representatives given copies of the assessment results?
- Do assessments cover the preventive and protective measures required?
- Are these controls adequate?
- Are assessments regularly reviewed, for example, yearly by a joint safety committee, and when there are relevant changes at work?

Health and safety arrangements

- If adequate control measures are not in place, does management intend to introduce them?
- Have priorities for action been set, with an agreed timetable for introducing measures?
- Are there arrangements to monitor and review the effectiveness of control measures?

Health surveillance

- Have risk assessments identified the need for any health checks?
- Have health checks been developed and are they appropriate?
- Can employees themselves or the union, as well as management, refer an employee for a health check?
- Is protection in place to stop health checks being

used as a substitute for preventive measures?

- Is protection in place to stop health checks being used to weed out susceptible workers or those showing symptoms?
- Is there a relocation agreement for workers who are shown to be unfit for their current job?

Competent persons

- Have competent people been appointed to assist in general health and safety compliance?
- Have competent people been appointed to oversee emergency procedures?
- Do they have sufficient training, experience and knowledge?
- Do they have adequate time, resources and information?
- Is outside expertise called in if necessary?
- Are safety representatives consulted over the appointment of competent people?

Serious and imminent danger

- Are emergency procedures in place?
- Do they cover all foreseeable incidents?
- Do they cover agency staff, contractors, etc. as well as employees?
- Do they try to ensure the public are also covered?
- Have members been informed of the hazards and the precautions to take?
- Will members be able to stop work if they reasonably believe that there is serious and imminent danger?
- Is access to danger areas restricted?

Information and training

- Are all employees given adequate training?
- Is training given to new employees on starting work?
- Is training given when changes are made for example, to jobs, the workplace or equipment, etc?
- Is refresher training provided?
- Does training take place during work hours and are all shifts and part-timers covered?
- Are employees given understandable information about health and safety, based on the risk assessments?
- Are contractors' employees, agency staff, etc. and their employers given health and safety information?
- Are the needs of employees who have difficulty with English covered?
- Are safety representatives consulted over information and training for members?

Co-operation between employers

- Have arrangements been made to ensure co-operation and co-ordination on health and safety between employers sharing the same premises?
- Have arrangements been made between employers and contractors?
- Are these arrangements adequate?

Chapter 3: The Display Screen Equipment Regulations

Summary of duties and rights

These Regulations cover display screen equipment (DSE) such as visual display units (VDUs), microfiche and process control screens. The Regulations apply wherever DSE is used, including offices, classrooms, computer suites, hospital wards and work at home.

Employers' duties:

- Assess risks to health from DSE workstations and to reduce the risks identified by assessments to the lowest level reasonably practicable. Assessments must be kept up to date.
- Ensure that workstations comply with the standards laid down by these Regulations.
- Plan the work of DSE users so that there are periodic breaks or changes of activity reducing their workload at the display screen equipment.
- Ensure that DSE users are provided with:
 - Eye and eyesight tests on request.
 - Further tests at regular intervals.
 - Additional tests on request for users who experience visual difficulties (such as headaches).
 - Spectacles, where tests show these are needed for DSE work.
- Provide health and safety training for DSE users.
- Provide information on all aspects of health and safety relating to workstations, and on measures taken to comply with the Regulations.

Workstations

'Workstation' in these Regulations means more than just a desk. It also means, for example, the screen, keyboard, disk drive, printer, document holder, chair, work surface; and lighting, temperature, noise and space around the display screen equipment.

Employees' duties:

There are no specific duties on employees in these Regulations. However the Management of Health and Safety at Work Regulations require all employees to use equipment provided in accordance with the training and instructions given by their employer.

The Regulations step by step

Regulation 1: Definitions

This Regulation defines the terms used further on. These definitions are important for determining the people and areas covered by these Regulations.

Display screen equipment means 'any alphanumeric or graphic display screen regardless of the display process involved'. This includes visual display units (VDUs), microfiche readers, and process control screens. The Regulations cover this type of equipment wherever it is used (but see exceptions below).

The Regulations do not apply to:

- Drivers' cabs or control cabs for vehicles or machinery.
- Display screen equipment on board a means of transport.
- Display screen equipment mainly intended for public operation.
- Portable systems, unless they are in prolonged use.
- Calculators, cash registers or any equipment with a small measurement display required for direct use of the equipment.
- Window typewriters showing no more than a few lines of text.

However, even when these specific Regulations do not apply, employers still have general duties. Under the Health and Safety at Work Act (in GB) or Order (in Northern Ireland), they must ensure the health

and safety of employees and others.

Workstation means all of the following:

- Display screen equipment, keyboard, software.
- Any optional accessories to the display screen equipment.
- Any disk drive, telephone, modem, printer, document holder, work chair, work desk, work surface or other item peripheral to the display screen equipment.
- The immediate work environment around the display screen equipment, for example, noise, lighting, temperature and space.

All of these should be included in employers' risk assessments (see Regulation 2) and should meet the requirements laid down in these Regulations (see Regulation 3).

User means an employee who habitually uses display screen equipment as a significant part of his (or her) normal work, whether at home or at their employers or another employers workstation. This definition is important in deciding which employees are entitled to eye and eyesight tests (Regulation 5) and regular rest breaks (Regulation 4). Health and Safety Executive (HSE) Guidance to these Regulations gives examples of DSE users. These include community care workers, librarians, scientists, secretaries, telephone operators, and receptionists who use DSE frequently.

In practice, if a number of employees use the same display screen equipment, or if use of the equipment is vital for the job, employers will find it easier to designate all employees who use DSE as 'users' under the Regulations.

Who is a user?

The test of who is a 'user' is not just the length of time display screen equipment is used. Guidance to the Regulations gives the following criteria for a 'user':

- *The individual depends on the use of display screen equipment to do the job.*
- *The individual has no choice as to use or non-use of the display screen equipment.*
- *The individual needs significant training and/or particular skills in the use of display screen equipment.*
- *The individual normally uses display screen equipment for continuous spells of an hour or more at a time.*
- *The individual uses display screen equipment in this way more or less daily.*
- *Fast transfer of information between the user and screen is an important requirement of the job.*
- *The performance requirements of the system demand high levels of attention and concentration by the user, for example, where the consequences of error may be critical.*

If most or all of these criteria are met, the employee is a 'user'.

Operator means a self-employed person who habitually uses display screen equipment as a significant part of his (or her) normal work. Workstations provided for the use of self-employed workers must meet the standards laid down in Regulation 3 and be included in employers' risk analysis (Regulation 2). Employers must also provide self-employed workers with information on all aspects of health and safety relating to their workstations, and on the measures taken to comply with the Regulations.

Under these Regulations, operators do not have to be provided with eye and eyesight tests, training or periodic breaks from DSE work. However, under the Health and Safety at Work Act or Order, employers have a general duty to protect the health and safety of people who are not their employees.

Self-employed

Whilst in GB, some self-employed persons may be exempt from duties they would otherwise owe under health and safety law (see page 3 for more detail), those contracting work to self-employed workers still owe them the relevant duties under health and safety law. There is no exemption whatsoever for the self-employed in Northern Ireland.

Regulation 2: Assessment of workstations

Employers must carry out a 'suitable and sufficient' assessment of workstations to identify any risks to users or operators. This assessment must be reviewed if:

- There is reason to suspect it is no longer valid (for example, if there are reports of health problems).
- There has been a significant change in the workstation, for example, new equipment, different users/operators, or a change in the working environment.

Employers must then reduce the risks identified by the assessment to 'the lowest extent reasonably practicable'.

Reasonably practicable means a balance between the cost of preventing health risks and the consequences of not preventing these risks. It does not mean that employers can legally refuse to make improvements just because they claim they can't afford them. Some of the health effects of display screen work can cause pain and permanent disability and should not be ignored. See page 2 for further explanation of what is meant by 'reasonably practicable.'

Risks to health

The Guidance to the Regulations highlights three main risks to health from DSE work. These are:

- Upper limb disorders (also called repetitive strain injuries/RSI or musculoskeletal disorders/MSDs) which cause pain in hands, wrists, shoulders, neck and back. If untreated, some of these disorders can lead to long-term or even permanent disability. These disorders may be caused by poorly designed or wrongly-adjusted equipment; sitting for too long in one position or high workload and tight deadlines.
- Eye and eyesight effects, including headaches, sore eyes, blurred vision. Work with display screen equipment can show up pre-existing eye defects, such as short-sight, that workers were not previously aware of. These effects may be caused by lack of breaks; badly designed, adjusted or positioned equipment; poor lighting or a flickering image on the screen.
- Stress and physical fatigue can be reduced by careful design, selection and positioning of DSE; good design of the user's workplace, environment and task; and training, consultation and involvement of the user.

The Guidance also addresses other factors that have caused concern over DSE work:

Effects on pregnant women

The HSE says that, taken as a whole, research has not shown any link between miscarriages or birth defects and working on display screen equipment. However, restricted postures, for example sitting in one position for too long, may cause problems for pregnant women. During the later stages of pregnancy, women may find it difficult to sit comfortably at a workstation because of their size.

In Guidance on seating at work the HSE says that seating should be comfortable and should allow for frequent changes in posture and for getting to and from the workstation easily.

To avoid stress and anxiety, women who are

pregnant or planning children should be allowed to transfer to non-DSE work if they wish. Try to get the right to transfer included in new technology agreements.

Effects of radiation

The Guidance to the Regulations says that levels of radiation given off display screen equipment are very low (for older style screens) and excluding normal visible light, non-existent (for flat screens). The Guidance therefore says that they do not pose a significant risk to health and no special protective measures are needed to protect the health of people from this radiation.

Regulation 3: Workstation standards

Employers must make sure that all workstations used by users and operators, comply with the requirements set out in a Schedule to the Regulations. A copy of the Schedule is reproduced on page 22.

The Guidance to the Regulations points out that 'where a particular item is mentioned in the Schedule, this should not be interpreted as a requirement that all workstations should have one, unless the risk assessment under Regulation 2 suggests the item is necessary'.

Some deviation from the Schedule is allowed if the job would be impossible otherwise. Examples given in the Guidance to the Regulations include: process control rooms where tilting screens may be inappropriate, and individuals who suffer from certain back complaints may prefer a chair with a fixed back rest or a special chair without a back rest.

Regulation 4: Breaks and changes of activity

Employers must plan the activities of DSE users so that their work on DSE is periodically interrupted by breaks or changes of activity to reduce their workload at that equipment.

Where possible, users should be allowed to take breaks when they need them. Where this is not

possible, or is unlikely to happen because of the pressure of work, an agreement on DSE work breaks should be drawn up. TUC Guidance suggests 15 minute breaks away from the equipment after 45 minutes work. The more intensive the work, the more frequent the breaks need to be.

Taking breaks

The Guidance to the Regulations gives general advice on breaks:

- *Breaks should be taken before fatigue is experienced not to recuperate from it, when performance is at a maximum and before productivity reduces. The timing of the break is more important than its length.*
- *Breaks or changes of activity should be included in working time. They should reduce the workload at the screen and should not result in a higher pace or intensity of work to make up for them.*
- *Short, frequent breaks are more satisfactory than occasional, longer breaks: for example, a 5-10 minute break after 50-60 minutes continuous screen and/or keyboard work is likely to be better than a 15 minute break every two hours.*
- *If possible, breaks should be taken away from the screen.*
- *Informal breaks with time spent not viewing the screen but, for example, doing other tasks, appear to be more effective in relieving visual fatigue than formal rest breaks.*
- *Wherever practicable, users should be allowed some discretion as to how they carry out the task and when they take their breaks. Individual control over the nature and pace of work allows optimal distribution of effort over the working day.*

Regulation 5: Eye and eyesight tests

Employers must provide, on request, an appropriate

eye and eyesight test for users or those who will shortly become DSE users.

All eye and eyesight tests must be:

- Carried out by a competent person, either an optometrist or doctor with ophthalmic qualifications.
- Carried out as soon as practicable after being requested by the user.
- Provided without cost to employees.

Employers must then offer eye and eyesight tests at regular intervals. Employers should seek the advice of an optometrist on how frequent these intervals should be - it may vary between individuals.

Employers must also provide, on request, tests for users who experience 'visual difficulties which may reasonably be considered to be caused by work on display screen equipment', for example headaches or sore eyes.

Employees who use DSE must request tests – there is no requirement for employers to provide them automatically. Make sure that all DSE users know about their rights to eye and eyesight tests.

Vision screening tests such as the 'keystone' test are not full eye and eyesight tests. They do not fulfil the requirements of the Regulations which require vision tests, and examination of the eye for injury, change, and disease.

Employers must provide 'special corrective appliances' where an eye and eyesight test shows these are necessary and 'normal corrective appliances' (normal glasses) cannot be used.

Special corrective appliances means spectacles or lenses prescribed for work with DSE.

Normal corrective appliances are spectacles, contact lenses and so on prescribed for other uses, for example for reading written material or for driving. Users who already wear spectacles or lenses for

other uses may still require a special prescription for DSE work.

Costs

The provision of eye and eyesight tests and of special corrective appliances under these Regulations is at the expense of the user's employer.

UNISON believes that employers should allow paid time off to attend eye and eyesight tests, or arrange for proper tests to be carried out in working time at the workplace. The cost of tests must be paid by employers.

Employers must also pay for special corrective appliances where tests show these are necessary. The Guidance to the Regulations suggests that employers need pay only for a basic pair. If users want a more expensive pair, with, for example, designer frames, they could agree to pay the extra cost.

Regulation 6: Health and safety training

Employers must provide adequate health and safety training for users or people who will shortly be using DSE.

Health and safety training must also be provided when the organisation of a workstation is substantially altered. This training will be in addition to general training involving, for example, how to do the job, keyboard skills or use of a particular computer program.

Training needs

Guidance to the Regulations suggests that training should cover the following points:

- *Recognition of hazards and risks, for example screen reflections and glare.*
- *Explanation of health risks and causes, for example, poor posture and lack of breaks.*
- *Describing what users can do to minimise these risks, for example changing position,*

adjusting furniture and equipment, regular cleaning of screens, taking breaks and changing activity.

- *Reporting of any problems experienced or shortcomings in work patterns or workstations.*
- *Giving information about eye and eyesight tests, rest breaks and standards for workstations.*
- *Explaining how the user can contribute to assessments of workstations.*

Regulation 7: Information

Employers must ensure that users and operators are provided with information about:

- All aspects of health and safety relating to their workstations, including any steps taken to meet the requirements of the Schedule and Regulation 3.
- The risk assessments and measures taken to reduce risks.
- Taking breaks and changes of activities.
- Eye and eyesight tests – their rights and arrangements for providing these tests.
- Initial training and training provided when workstations are altered.

The Schedule

This Schedule sets out the minimum health and safety requirements for workstations.

Extent to which employers must ensure that workstations meet the requirements laid down in this Schedule.

An employer shall ensure that a workstation meets the requirements laid down in this Schedule to the extent that:

- Those requirements relate to a component which is present in the workstation concerned.

— Those requirements have effect with a view to securing the health, safety and welfare of persons at work.

— The inherent characteristics of a given task make compliance with those requirements appropriate as respects the workstation concerned.

Equipment

General comment

The use as such of the equipment must not be a source of risk for operators or users.

Display screen

The characters on the screen shall be well-defined and clearly formed, of adequate size and with adequate spacing between the characters and lines.

The image on the screen should be stable, with no flickering or other forms of instability.

The brightness and the contrast between the characters and the background shall be easily adjustable by the operator or user, and also be easily adjustable to ambient conditions.

The screen must swivel and tilt easily and freely to suit the needs of the operator or user.

It shall be possible to use a separate base for the screen or an adjustable table.

The screen shall be free of reflective glare and reflections liable to cause discomfort to the operator or user.

Keyboard

The keyboard shall be tiltable and separate from the screen so as to allow the operator or user to find a comfortable working position avoiding fatigue in the arms or hands.

The space in front of the keyboard shall be sufficient to provide support for the hands and arms of the operator or user.

The keyboard shall have a matt surface to avoid reflective glare.

The arrangement of the keyboard and the characteristics of the keys shall be such as to facilitate the use of the keyboard.

The symbols on the keys shall be adequately contrasted and legible from the design working position.

Work desk or work surface

The work desk or work surface shall have a sufficiently large, low-reflectance surface and allow a flexible arrangement of the screen, keyboard, documents and related equipment.

The document holder shall be stable and adjustable and shall be positioned so as to minimise the need for uncomfortable head and eye movements.

There shall be adequate space for operators or users to find a comfortable position.

Work chair

The work chair shall be stable and allow the operator or user easy freedom of movement and a comfortable position.

The seat shall be adjustable in height.

The seat back shall be adjustable in both height and tilt.

A footrest shall be made available to any operator or user who wishes one.

Environment

Space requirements

The workstation shall be dimensioned and designed so as to provide sufficient space for the operator or user to change position and vary movements.

Lighting

Any room lighting or task lighting provided shall ensure satisfactory lighting conditions and an appropriate contrast between the screen and the background environment, taking into account the type of work and the vision requirements of the operator or user. Possible disturbing glare and reflections on the screen or other equipment shall be prevented by co-ordinating workplace and workstation layout with the positioning and technical characteristics of the artificial light sources.

Reflections and glare

Workstations shall be so designed that sources of light, such as windows and other openings, transparent or translucent walls, and brightly coloured fixtures or walls cause no direct glare and no distracting reflections on the screen.

Windows shall be fitted with a suitable system of adjustable covering to attenuate the daylight that falls on the workstation.

Noise

Noise emitted by equipment belonging to any workstation shall be taken into account when a workstation is being equipped, with a view in particular to ensuring that attention is not distracted and speech is not disturbed.

Heat

Equipment belonging to any workstation shall not produce excess heat which could cause discomfort to operators or users.

Radiation

All radiation with the exception of the visible part of the electromagnetic spectrum shall be reduced to negligible levels from the point of view of the protection of operators' or users' health and safety.

Humidity

An adequate level of humidity shall be established and maintained.

Interface between computer and operator/user

In designing, selecting, commissioning and modifying software, and in designing tasks using display screen equipment, the employer shall take into account the following principles:

- Software must be suitable for the task.
- Software must be easy to use and, where appropriate, adaptable to the level of knowledge or experience of the operator or user; no quantitative or qualitative checking facility may be used without the knowledge of the operators or users.
- Systems must provide feedback to operators or users on the performance of those systems.
- Systems must display information in a format and at a pace which are adapted to operators or users.
- The principles of software ergonomics must be applied, in particular to human data processing.

Chapter 4: The Manual Handling Operations Regulations

Summary of duties and rights

'Manual handling operations' means physically supporting or transporting a load. See Regulation 3 for a fuller definition.

These Regulations apply wherever manual handling operations are carried out. There are no maximum weight limits set for loads. Instead, the Regulations require a full assessment of all risks including the task, load and working environment. The Regulations are based on 'ergonomics' which means fitting the job to the person rather than the person to the job.

The Health and Safety Executive (HSE) has produced several online tools to help employers assess the risks from manual handling. These can be found at: www.hse.gov.uk/msd/toolkit.htm.

Employers' duties

These Regulations have a hierarchy of measures, so:

- First employers must avoid hazardous manual handling operations so far as is reasonably practicable. This may be done by redesigning the task to avoid moving the load or by automating or mechanising the process. See page 2 for an explanation of what is meant by 'reasonably practicable.'
- Next employers must make a suitable and sufficient assessment of any hazardous manual handling operations that cannot be avoided.
- And then reduce the risk of injury from those operations so far as is reasonably practicable. Mechanical assistance (for example a trolley or hoist) should be provided but, where this is not reasonably practicable, then other improvements to the task, the load and the working environment should be explored.
- Review risk assessments if there is reason to suspect they are no longer valid, or if there has been any significant changes in the manual handling operations.

- Provide training and information for employees, and specific information about the load.

Employees' duties

Make full and proper use of any system of work provided for employees by their employer to reduce risks of manual handling injuries.

Duties of self-employed

Avoid handling loads manually if possible, assess and reduce remaining risks of injury to themselves as far as reasonably practicable.

Self-employed

Remember the exemption in GB from health and safety law applies to the duties self-employed persons would otherwise have, only if their work is not prescribed, and poses no potential risk to the health and safety of others. See page 3 for further detail. There is no exemption in Northern Ireland.

Duties of manufacturers

To ensure safety in design and manufacture and to provide information on safety.

The Regulations step by step

Regulations 1-3: Definitions and application

Injury

These Regulations aim to prevent all types of injuries from manual handling except injuries caused by toxic or corrosive chemicals on, in or leaking from the load. Chemical hazards are dealt with by specific legislation such as the Control of Substances Hazardous to Health Regulations (COSHH). So they are only relevant for the Manual Handling Regulations if making the load slippery and therefore difficult or risky to carry or move, etc.

Back injuries are one of the most common types of manual handling injury, but risk of injury to any part of the body due to manual handling is covered by these Regulations.

Load

This Regulation also states that load means any movable object and 'includes any person and any animal'. However, a tool or machine when in use as intended does not count as a load.

Manual handling operations

The definition given here of 'manual handling operations' is very wide: 'manual handling operations means any transporting or supporting of a load (including the lifting, putting down, pushing, pulling, carrying or moving thereof) by hand or by bodily force'.

The aim is to prevent injury to the back and any other part of the body. So things affecting grip or causing another injury such as sharp edges or extremes of temperature, should also be considered.

Self-employed workers are responsible for their own safety during manual handling. But other laws, especially the Management of Health and Safety at Work Regulations, require employers and self-employed workers on the same site to co-operate on health and safety procedures and information.

The exemption in GB from health and safety law applies to duties that self-employed persons would otherwise have, only if their work is not prescribed, and poses no potential risk to the health and safety of others. See page 3 for further detail.

Contractors who employ others (including self-employed persons) have all the responsibilities of employers. Employers are also responsible for the health and safety of employees working away from their premises. Employers and controllers of premises have a duty towards contractors' employees too. Check that contracts specify arrangements and responsibilities for health and safety, including manual handling.

Regulation 4: Employers' duties

This Regulation sets out the steps to be taken by employers. It is a hierarchy and so must be followed in the order below.

- Avoid the need for manual handling operations so far as is reasonably practicable – Regulation 4(1)(a). See page 2 for an explanation of what is meant by 'reasonably practicable.'
- Risk assess any operations that cannot be avoided and may risk injury - Regulation 4(1)(b)(i).
- Remove or reduce the risk of injury to the lowest reasonably practicable level using the assessment as a basis for action – Regulation 4(1)(b)(ii).

Further duties require employers to:

- Provide information about loads (weight and which is the heaviest side if there is one) – Regulation 4(1)(b)(iii).
- Monitor and review risk assessments – Regulation 4(2).

Regulation 4(1)(a) - Avoiding manual handling

The first step when looking at any job is to see whether moving or supporting loads 'by hand or by bodily force' needs to be done at all. Can the work or workplace be redesigned so that loads are not moved unnecessarily, such as doing the task where the object already is.

If manual handling cannot reasonably practically be avoided entirely, employers should consider introducing mechanical equipment to reduce movement of loads by hand. This could mean installing lifts, hoists, conveyor belts, adjustable height furniture, or trolleys, etc.

Remember that equipment does not eliminate manual handling risks and can even introduce new ones. These risks, together with training and maintenance needs should be considered and risk assessed before equipment is purchased.

Regulation 4(1)(b)(i) - Risk assessments

Employers must make risk assessments of 'any manual handling operations at work which cannot be reasonably practicably avoided and which involve a risk of employees being injured'.

In practice, all manual handling operations involve some risk of injury. So all manual handling should be subject to these steps. Check that employers do not exclude any manual handling on the grounds that the risks aren't worth investigating.

The risk assessment must be 'suitable and sufficient'. This assessment must include all the factors listed in the Schedule to the Regulations. The Schedule covers characteristics of the task, the load, the working environment, and individual capability.

Who should carry out an assessment?

The Regulations put the responsibility on employers to see that a proper manual handling assessment is done.

This task can be delegated but ultimate responsibility stays with the employer. They must ensure that the assessor is competent, involves workers in the process, and understands when specialist help might be needed.

To be competent, assessors must be able to:

- *Identify the hazards (including less frequent ones) and the risks from the manual handling being done.*
- *Use additional information on risks where appropriate.*
- *Form valid and reliable conclusions from the assessment and identify steps to reduce risks.*
- *Make a clear record of the assessment and communicate its findings to those who need to know, both employers and employees.*
- *Recognise their own limitations so that further expertise can be called on if necessary.*

In addition, assessors must have read and understood the Manual Handling Regulations and Guidance and will need the appropriate information and the time to do it.

The Schedule covering risk assessment, and Regulations 4(3) and 4(4)

These list factors and questions that must be considered when making an assessment of manual handling operations:

The Management of Health and Safety at Work Regulations

Does any health surveillance, health monitoring or the risk assessment under the Management Regulations identify:

- Persons at increased risk such as new or young workers, or new or expectant mothers?
- Particular elements of the workplace layout or work organisation that may cause increased risk?

The task

Does it involve:

- Holding or manipulating load at a distance from the body? This increases the weight. At arm's length it will feel roughly five times as heavy as compared to holding it next to the body.
- Being seated? This results in using the weaker arm and upper body muscles rather than the stronger leg muscles and body weight.
- Unsatisfactory bodily movement or posture, especially twisting the trunk, stooping or reaching upwards? These all involve extra risk.
- Excessive movement of loads, especially excessive lifting or lowering distances, excessive carrying distances, or excessive pushing or pulling distances?
- Risk of sudden movement of the load? This could include a person, animal, or the freeing of a jammed item.
- Frequent or prolonged physical effort?
- Insufficient rest or recovery periods?
- A rate of work imposed by a process? This can lead to musculoskeletal and psychosocial risks.

Psychosocial risks

Stress and other psychosocial risks can affect how workers respond to their work and workplace conditions. They can also make them more susceptible to musculoskeletal injuries and less likely to take breaks.

Reasonable workloads, realistic deadlines, tackling monotony, and other causes of stress can reduce the risks.

The load

Is the load:

- Heavy? Make it lighter or use mechanical assistance.
- Bulky or unwieldy? Make it smaller or use mechanical assistance.
- Difficult to grasp? Make it easier to grip or use/ provide hand holds, handles, or suction pads. Is it dirty and therefore possibly slippery?
- Unstable, or with contents likely to shift? Such as loose items or partially empty containers.
- Sharp, hot or otherwise potentially damaging?

The working environment

- Can the layout be changed to remove/reduce the need to manually handle?
- Are there:
 - Space constraints preventing good posture? Such as work surfaces that are too low or a lack of headroom.
 - Uneven, slippery or unstable floors?
 - Variations in level of floors or work surfaces?
 - Extremes of temperature, humidity or air movement? These can lead to heat stress (which can lead to serious illness), sweating causing blurred vision or less grip, or the need to use bulky clothing which may reduce grip.

- Conditions causing ventilation problems or gusts of wind?
- Poor lighting conditions?

Individual capabilities

Does the job:

- Require unusual strength or height, etc? The job should be possible to do safely by most reasonably fit and healthy persons. Employers need to consider how the Equality Act might apply as regards being non-discriminatory and for making reasonable adjustments for disability.
- Create a hazard to those who might reasonably be considered especially at risk? This might include the recently or currently pregnant; a new, young, or an older worker; or someone with a disability, an injury, or a health condition.
- Require special knowledge or training for its safe performance? This might include training on dynamic risk assessments, for emergency workers for example.

Emergency workers

Dynamic risk assessments enable workers to assess the changing/situation as it occurs or as they approach it.

UNISON believes that risk assessment has a vital role to play in preventing or controlling the risks these workers face, so far as is reasonably practicable in the circumstance. See page 2 for an explanation of what is meant by 'reasonably practicable.'

Other factors

Is movement or posture hindered by personal protective equipment (PPE) or by clothing?

Guidance on the Regulations says that, in general, assessments should be recorded and kept readily accessible for as long as they remain relevant. Employers should include their manual handling policy in the general health and safety policy required by the Health and Safety at Work Act or Order. Safety reps have a right to see records of these assessments and policies.

Further examples of making tasks, loads and working environments safer are given in the HSE's Guidance on the Manual Handling Regulations.

Examples particularly relevant to lifting and handling of people are given in the HSE's Guidance on Manual Handling of Loads in the Health Services.

Regulation 4(1)(b)(ii): Removing or reducing risks if hazardous manual handling operations cannot be avoided

Employers must take appropriate steps to reduce the risk of injury to employees 'to the lowest level reasonably practicable'. Good ergonomics will see manual handling risks eliminated or reduced, taking into account the considerations covered in the Schedule and Regulation 4(3) and 4(4).

Reasonably practicable has a legal definition. It is a balance between the cost of avoiding injuries and the consequences if you don't avoid them. This does not mean that employers can legally refuse to make any improvements because they say they can't afford it. But be prepared to argue that manual handling injuries are likely and/or will cause pain or disablement, etc. if preventive measures are not taken. See page 2 for further explanation of what is meant by 'reasonably practicable.'

When cost is at issue, also point out that manual handling injuries cost employers money in:

- Lost working time.
- Payments for sick leave and job cover.
- Loss of trained and experienced staff.
- Successful compensation claims against employers.

The Guidance questions the effectiveness of abdominal and back support belts and suggests that in some circumstances they can even be dangerous. It proposes instead that risk should be reduced through safer working practices.

Training and information for employees must be provided by employers, under the Health and Safety at Work Act or Order. But the Guidance on the Regulations warns that the provision of information and training alone will not ensure safe manual handling. However, as a complement to a safe system of work, rather than a substitute for it, the Guidance says that effective training has an important part to play in reducing risk of injury. Training programmes should be provided for all employees who handle loads.

Training programme

Training includes refresher, updates and also that provided for new starters either before or as soon as possible after they start work.

Training should include:

- *Recognising potentially hazardous handling operations.*
- *Dealing with unfamiliar handling operations.*
- *Using handling and lifting aids properly.*
- *Using PPE properly.*
- *Recognising the importance of good housekeeping.*
- *Knowing your own capabilities and limitations.*
- *Using good handling techniques.*

The Management of Health and Safety at Work Regulations require employers to provide health and safety training for employees:

- *When employees are recruited.*
- *When there are new or changed risks.*
- *Which is repeated periodically (refresher training).*
- *Which is offered during working hours and at no cost to employees.*

Manual handling training must also meet these requirements.

Regulation 4(1)(b)(iii): Information about the load

Employers must give employees information on:

- The weight of each load.

— The heaviest side of any load if there is one.

This information may be 'general indications' or, where reasonably practicable, 'precise information'. If the load is an object, precise information about the weight and centre of gravity should be available from suppliers. If the load is a person, details of their weight and disabilities, etc. should be included in patient or client care plans.

Regulation 4(2): Review of risk assessments

Assessments must be monitored to check that the measures of prevention and control are working. They must also be reviewed when there has been a significant change or 'there is reason to suspect that the assessment is no longer valid.' For example after an accident or near-miss or where there has been ill health, a pregnancy, or other new information has come to light.

Regulation 5: Employees' duties

All employees must make full and proper use of any system of work provided for employees by their employer to reduce risks of manual handling injuries.

The Management of Health and Safety at Work Regulations require employees to use equipment provided in accordance with the training and instructions given by their employer. The Health and Safety at Work Act or Order requires employees to take reasonable care of their own and others health and safety, and to co-operate with employers so that they are able to comply with the law.

Guidance on the Manual Handling Regulations

Working away from employers' premises

Guidance to the Regulations points out that they also apply to work away from the employers' premises. Safe systems of work should be established, considering both the task and the load. The ability to influence the work environment may be limited when not the employers own workplace, but close liaison with those in control of premises

will help with this issue. Do not forget that those in control of premises have a duty to visiting employees or contractors. See the Health and Safety at Work Act or Order, the Management of Health and Safety at Work Regulations, and the Workplace (Health, Safety, and Welfare) Regulations for more detail.

So employers cannot shrug off their responsibilities to ensure the health and safety of employees working off site. These might include:

- Home carers.
- Community nurses.
- Ambulance personnel.
- Blood transfusion staff.
- Refuse collectors.
- Anyone delivering goods.
- Water workers.
- Maintenance workers.

Consultation with safety representatives

The HSE's Guidance on the Manual Handling Regulations advises employers to involve employees and safety reps in the assessment of risks: "Your employees will know what the manual handling risks in the workplace are, and can probably offer practical solutions to controlling them." The Guidance also advises close involvement in training and improvements to reduce manual handling risks: 'Employees, their safety representatives and safety committees should be involved in the development and implementation of manual handling training, and the monitoring of its effectiveness.'

The employer should consult on:

- The hazards and the risks.
- The proposals to avoid, manage or control these.
- The best way to provide information and training to employees.

Chapter 5: The Personal Protective Equipment at Work Regulations

Summary of duties and rights

'Personal Protective Equipment' (PPE) includes protective clothing. Hearing and most respiratory protective equipment is covered by other Regulations and official Guidance.

These Regulations include duties on employers, employees and self-employed workers.

Employers' duties are to:

- Provide PPE to employees whenever health and safety risks are not adequately protected against by other means.
- Select PPE that is suitable for the risk; for employees who will be using it; and the working environment.
- Assess the PPE available to ensure it is suitable.
- Maintain the PPE in a clean and effective condition.
- Provide suitable accommodation for any PPE provided.
- Ensure that the PPE provided is properly used.
- Provide information, training and instruction for employees.

All PPE provided under these or other Regulations must be free of charge to employees, under section 9/article 10 of the Health and Safety at Work Act (for GB) or Order (for NI). This also means that employees cannot be charged a deposit even if returnable. However, if stated within the employees contract, a deduction may be made from any pay owed if they leave their job/at the end of the contract, and keep any PPE without permission. Employers may also prohibit the use of PPE outside of work.

Employees' duties are to:

- Use the protective equipment provided, in accordance with the training and instruction given

by their employers.

- Report any loss or obvious defect in protective equipment provided, to their employer.
- Take all reasonable steps to ensure that their protective equipment is returned to the accommodation provided for it after use.

Self-employed workers' duties

Self-employed workers who are provided with PPE have similar duties to employees. Otherwise they must provide themselves with suitable, assessed PPE, kept in a clean and properly maintained condition and stored in suitable accommodation when not in use.

The exemption in GB from health and safety law applies to duties that self-employed persons would otherwise have, only if their work is not prescribed, and poses no potential risk to the health and safety of others. See page 3 for further detail. There is no exemption whatsoever in Northern Ireland.

Application to other non-employees

Under these Regulations, trainees and school children on work experience schemes have the same rights to protection and duties as employees.

Although these Regulations do not cover other non-employees such as visitors, students or school children while at school or college, the Health and Safety at Work Act or Order requires employers to protect the health and safety of non-employees. Employers are therefore advised to follow the requirements of these PPE Regulations so that they comply with their duties under the Health and Safety at Work Act or Order.

This could mean keeping a supply of suitable protective clothing available for visitors or providing PPE for students working with

chemicals or machinery. Employers' risk assessments must include consideration of risks to non-employees who may be affected by their work. Employers must also inform and co-ordinate health and safety arrangements with contractors working on their premises. These are requirements under the Management of Health and Safety at Work Regulations.

The Regulations step by step

Regulation 1 - 2: Date, title and definition of 'personal protective equipment'

This Regulation defines 'personal protective equipment' (PPE) as meaning:

- 'all equipment (including clothing affording protection against the weather)
- which is introduced to be worn or held by a person at work and
- which protects him (or her) against one or more risks to his (or her) health and safety, and
- any addition or accessory designed to meet that objective'.

PPE includes:

- Protective clothing such as overalls, gloves, safety footwear, safety helmets or high visibility clothing.
- It also includes protective equipment such as safety goggles and visors, life-jackets, underwater breathing apparatus, safety harnesses.

However there are some exceptions, which are listed in Regulation 3.

Regulation 3: Equipment not covered by these Regulations

These Regulations do not apply to the following types of PPE:

- Ordinary working clothes and uniforms which do not specifically protect the health and safety of the wearer. For example, workers' own clothes,

uniforms worn for show, or protective clothing provided in the food industry primarily for food hygiene purposes. However, most uniforms also protect wearers from bad weather, chemicals, body fluids, hot liquids, or other hazards of the job. Make sure that these uniforms and work clothes are not excluded by employers.

- Offensive weapons used as self-defence or deterrent equipment. The Health and Safety Executive's (HSE) Guidance to the Regulations says that these Regulations do not require employers to provide equipment such as personal alarms, or truncheons for security staff.

However, employers do have a duty to protect staff against violence at work. If self-defence or deterrent equipment is needed, use the Health and Safety at Work Act or Order requirements to negotiate provision. These Regulations do apply to protective equipment such as helmets, face visors or body armour. This is particularly relevant to emergency services personnel and security guards.

- Portable devices for detecting and signalling risks and nuisances, for example, personal gas detectors or radiation dosimeters. However, under the Health and Safety at Work Act or Order, employers must provide these where necessary. Follow the principles of the PPE Regulations.
- PPE used for protection while travelling on a road, for example, motorcycle crash helmets and car seat belts, which are dealt with by specific traffic legislation. However, the PPE Regulations do apply to crash helmets worn elsewhere at work. For example when using all-terrain vehicles or bikes off road on a work site.
- Equipment used during the playing of competitive sports. However, these Regulations do apply to PPE worn by sports instructors, lifeguards, stable staff and the like while at work.
- When more specific Regulations require the provision or use of PPE. These more specific Regulations are the:
 - Control of Lead at Work Regulations.

- Ionising Radiation Regulations.
- Control of Asbestos Regulations.
- Control of Substances Hazardous to Health Regulations.
- Control of Noise at Work Regulations.

In practice these specific Regulations should be read alongside the PPE Regulations. A sensible approach is to apply the principles of assessing, selecting and maintaining suitable PPE and providing information and training for employees to all situations where PPE is needed. More specific Regulations must be followed where relevant.

Regulation 4: Provision of PPE

When health and safety risks cannot be adequately controlled by other means, employers must provide employees with suitable PPE.

PPE should be seen as a 'last resort' not a quick or cheap method of controlling risks. There may be a better solution including: improving ventilation; changing the way the job is done; removing the hazard (such as not using harmful chemicals); using less risky options (such as low voltage tools); preventing access (such as guarding and barriers); or improving guards on machinery. However, sometimes PPE will still be needed in addition to other improvements.

Where necessary for hygiene reasons or to ensure no risks to health, PPE must usually be provided on an individual basis so that it does not need to be shared. Where used for only limited periods and therefore perhaps shared, it should be cleaned and if required, decontaminated to prevent health risks to the next user.

Any PPE provided must be 'suitable'. The Regulations define suitable as:

- Appropriate for the risks involved and the conditions at the place where exposure to the risk may occur. For example, ordinary washing-up

gloves will not protect against many solvents and strong disinfectants, so they are not 'appropriate' for those chemicals. Also lightweight PPE intended for occasional or home DIY use may not be robust enough for working conditions. PPE used in catering areas must be easily cleaned to comply with food hygiene requirements.

- Takes account of ergonomic requirements, the health condition of the people who use the PPE, and the characteristics of their workstations. 'Ergonomic requirements' means that the effects of PPE on the wearer and on the work must be taken into account when selecting PPE. PPE is not suitable if it is badly fitting, uncomfortable, puts a strain on wearers or makes the work unnecessarily difficult. In such circumstance, it is also less likely to be worn.

PPE must not endanger the health of wearers. Workers who suffer from heart or lung problems may not be able to use breathing apparatus as a normal part of their work. Some people are allergic to latex (natural rubber) so PPE made of other materials could be more suitable for them.

- Fits the wearer correctly. To ensure this, employers may have to offer a range of types and sizes of PPE.
- Consultation. Those who do the job and wear the PPE should be consulted and involved in its selection and specification. They are most likely to know what is involved in doing the work and of any problems or difficulties with the work or use of PPE. Being involved and able to identify issues that need to be avoided also means that they are more likely to wear the PPE.
- So far as is practicable, it is effective to prevent or adequately control risks without adding new ones. Poorly chosen PPE can cause tripping hazards, get caught in machinery, slow movement, or obscure vision, etc. Dirty PPE can cause skin rashes and infections. Some PPE will inevitably cause problems, for example wearing ear muffs makes it difficult to hear warning sirens or traffic. This must be taken into account when assessing health and safety risks (see Regulation 6).

- Complies with relevant European and British Standards. PPE for work which passes specified tests will carry a 'CE' mark. This shows that the PPE complies with required European Standards.
- PPE is the last resort. PPE only protects the wearer (not others in the workplace who may also be exposed); rarely gives the maximum level of protection stated (as it needs to be suitable, correctly fitted and maintained, and properly used); and may restrict the user (limiting their movement, hearing, or vision for example).

Regulation 5: Compatibility of PPE with other equipment

Employers must ensure that different sorts of PPE worn together are compatible. This may mean selecting specially designed equipment. For example, safety helmets can be designed to be worn with visors or ear muffs. Employers' assessments must consider the effectiveness and comfort of the combination of PPE that is used, and not just individual items of PPE.

Regulation 6: Assessment of PPE

Where risks cannot be adequately controlled by other means, employers must assess:

- The risks to health and safety that need to be controlled.
- What PPE would be 'suitable' protection against those risks.
- Whether any PPE currently in use and what further PPE may be required are both compatible.
- Employers must do this before choosing any PPE. The assessment helps in selection of suitable PPE.

The assessment must be reviewed if:

- There is reason to suspect it is no longer valid – for example, complaints from users, reports of accidents or ill health, or new information about PPE.
- There have been significant changes: for example, of users, of risks or in working conditions.

All except the simplest assessments should be recorded on paper or electronically. Safety reps have a right to copies of the assessment records and should check that all PPE has been included (including PPE used away from the employers' premises).

Union representatives and PPE users should be closely involved in the assessment and selection of PPE.

Regulation 7: Maintenance and replacement of PPE

Employers must ensure that all PPE provided is:

- Maintained.
- Cleaned or replaced as appropriate.
- In efficient working order.
- In good repair.

To ensure this, employers should set up proper maintenance systems to examine, test, repair, replace, and clean and disinfect (especially where shared to avoid health risks) PPE as appropriate. In general, examinations should be carried out before PPE is issued and by properly trained staff. Who is responsible for, the procedure for, and the frequency of maintenance should be written down. It may also be appropriate to keep a record of tests and examinations. Stocks of disposable PPE and replacement parts must be available when needed.

Special arrangements are needed for the storage, cleaning or disposal of infected or contaminated PPE.

Regulation 8: Storage for PPE

Appropriate accommodation must be provided for PPE when it is not in use. This 'accommodation' should protect PPE from contamination, dirt, loss or damage. Depending on the type of PPE and the workplace, the accommodation may be lockers, pegs, or boxes, etc.

Adequate PPE storage must be provided on vehicles when used by mobile workers. Mobile workers

may also need to carry separate containers for contaminated or used disposable PPE.

Where PPE becomes contaminated, it should be cleaned and decontaminated before storage to prevent further spread and the need to otherwise clean and decontaminate the storage facility as well.

The Workplace (Health, Safety and Welfare) Regulations require employers to provide accommodation for ordinary clothing (for example workers' own coats worn to work). This should be separate from PPE.

Regulation 9: Information, instruction and training

Employers must provide employees with information, instruction and training that is 'adequate and appropriate'. This information, etc. must tell employees about:

- The risks which the PPE will avoid or control, and its limitations.
- What the PPE is for.
- How to use, select, store and recognise any defects in the PPE provided.
- Any action needed by the wearer to maintain the PPE in clean and efficient repair.

This information and instruction must be 'comprehensible' to all employees involved and kept available. Information full of technical terms may not meet this legal requirement. Information must be in language which employees understand. Note that this may not always be English. It should also be appropriate to the individual, so for example those wearing and those maintaining the PPE may need different training.

Training will not be adequately covered in a quick chat by the PPE salesperson, but proper training by the manufacturer may. The Management of Health and Safety at Work Regulations require employers to provide adequate health and safety training when employees are recruited, when there have been significant changes, and at appropriate intervals (refresher training). Practice in its use and correctly

putting it on may also be required.

Training must also take place during working hours, so special arrangements may need to be made for part-time workers and those working unsocial hours.

Training

Training in the use of PPE should include the following points:

- *An explanation of the risks and why PPE is needed.*
- *The operation, performance and limitations of PPE.*
- *Instructions on selection, use and storage of PPE. Special procedures such as permits to work should be explained.*
- *The factors affecting performance of PPE such as other PPE; poor fit; working conditions; defects; wear and tear; or contamination.*
- *Practice in putting on, wearing and removing PPE.*
- *Practice and instruction in the inspection and testing of PPE before use.*
- *Practice and instruction in any maintenance to be done by the PPE user.*
- *Recognising defects and arrangements for reporting loss or defects.*
- *Instruction in the safe storage of equipment.*

Regulation 10: Employees' duties to use PPE

Employers must 'take all reasonable steps' to ensure that employees use properly the equipment provided. It is not enough just to make PPE available to staff.

Employees must use PPE provided in accordance with training and instructions provided by the employer, which should be based on the manufacturers instructions. If employees have not received 'adequate and appropriate' training, they are unlikely to be held responsible for not using PPE properly. Employees must not deliberately endanger themselves or others by not using or misusing PPE. However, they should not be expected to use PPE before adequate training and instruction.

Employees are also required to 'take all reasonable steps' to ensure that PPE is returned to the accommodation provided for it after use. Employees need not do this if it is agreed that they can take their PPE away from the workplace.

Regulation 11: Employees' duties to report loss or defects

Employees must report to their employers any loss of or obvious defect in PPE provided for them. There must be arrangements for reporting loss or defects and employees should be informed about these arrangements. This must include PPE used away from employers' premises and should ensure that the defective PPE is repaired or replaced before the employee starts work.

This duty on employees does not reduce the duties on employers to make their own inspections and assessments. Employers cannot get out of their own responsibilities simply by claiming that faults were not reported to them.

Checklist for PPE

This checklist of questions will help you find your way around the PPE Regulations. Stewards and safety reps should be asking these questions to find out if their workplace meets legal standards on PPE.

- *What are the health and safety risks from work? (See Regulation 6).*
- *Can risks be eliminated or reduced without using PPE? (See Regulation 4).*
- *Which PPE will be suitable? (See Regulations 4 and 6).*
- *Does other legislation apply instead of, or in addition to the PPE Regulations? (See Regulation 3).*
- *Is the PPE provided compatible with other items of PPE? (See Regulation 5).*
- *Is there a system of regular maintenance? (See Regulation 7).*
- *Is appropriate storage provided for PPE? (See Regulation 8).*
- *Is information, instruction and training provided for employees? (See Regulation 9).*
- *Do employees know how to use PPE properly? (See Regulation 10).*
- *Is supervision adequate to ensure proper use of PPE? (See Regulation 10).*
- *Is there a procedure for reporting loss or defects in PPE? (See Regulation 11).*

Chapter 6: The Provision and Use of Work Equipment Regulations

Summary of duties and rights

These Regulations apply to all work equipment and cover ‘any machinery, appliance, apparatus or tool and any assembly of components’.

Under the Management of Health and Safety at Work Regulations, all employers are required to assess the risks to the health and safety of workers and others who may be affected by the work. This will include assessing the risks of work equipment. Section 2(2) of the Health and Safety at Work Act (for GB) and article 4 of the Health and Safety at Work (Northern Ireland) Order specifically require the provision and maintenance of plant and systems of work that are so far as reasonably practicable, safe and without risk to health.

Safety representatives have rights to be consulted in good time, on all aspects of health and safety including the selection of suitable work equipment and on maintenance procedures.

The Health and Safety Executives (HSEs) Guidance to these Regulations states that where there is an overlap with other Regulations, compliance with the more specific Regulation will normally be sufficient to comply with the Work Equipment Regulations. Areas of overlap or additional requirements might involve LOLER (the Lifting Operations and Lifting Equipment Regulations); additional ACoPs for power presses or woodworking machines; other parts of the “health and safety six pack”; or Regulations covering confined spaces, hazardous substances, and construction, design, and maintenance (CDM).

Employers’ duties

- *Suitability* – ensure that work equipment is constructed or adapted to be suitable for the purpose for which it is used or provided; have regard to working conditions and risks to health and safety when selecting equipment; and ensure that work equipment is used only for operations for which and under which it is suitable. Suitable means ‘in any respect which it is reasonably foreseeable will affect the health and safety of any

person’.

- *Maintenance and inspections* – ensure that work equipment is maintained in an efficient state and working order, and in good repair. Ensure that where there is a maintenance log, it is kept up to date.
- *Information* – ensure that all people who use, or who supervise the use of, work equipment have available comprehensible and adequate health and safety information and, where appropriate, written instructions on use. These must also include the conditions and methods of use, and foreseeable abnormal situations and the action to be taken in such circumstances.
- *Training* – ensure all people who use, or supervise the use of work equipment have received adequate health and safety training.
- *Other EU requirements* – ensure that any relevant work equipment complies with UK enactments implementing other EU Directives listed in a Schedule to the Regulations. These cover various risks including noise, electricity, pressure vessels, gas and machinery.
- *Specific requirements* – concerning dangerous parts of machinery; protection against specific hazards; high or very low temperatures; controls and control systems; isolation from sources of energy; stability; lighting; maintenance operations; markings; and warnings.

Employees’ duties

There are no specific duties on employees in the Work Equipment Regulations. However, employees have a general duty under the Health and Safety at Work Act or Order not to endanger themselves or others at work, and to co-operate with employers and others in meeting their legal requirements.

The Management of Health and Safety at Work Regulations require employees to use work equipment correctly, in accordance with training and instructions.

Self-employed workers' duties

Self-employed workers have a duty to ensure that the work equipment they use at work complies with these Regulations. If the equipment is provided for their use by an employer, that employer shares the duty to ensure the equipment complies with the Regulations.

The Regulations step by step

Regulation 1: Date and title

In force since 1 January 1993, these Regulations were revised in 1998.

Regulation 2: Definition of 'work equipment' and 'use'

These Regulations apply to all work equipment and cover 'any machinery, appliance, apparatus, tool or installation for use at work. Examples of work equipment are mowers, pressure water cleaners, scaffolding, a series of machines connected together, drills, knives, laboratory apparatus, ladders, hoists, elevating work platforms, overhead projectors, photocopiers and computers.

Privately owned vehicles are not covered by these Regulations but other motor vehicles are. For example, ambulances, tractors and delivery vans are covered by these Regulations. When used on public roads, all motor vehicles must also comply with the relevant road traffic laws.

Use of work equipment means any activity involving the work equipment, including:

- Starting, stopping.
- Programming, setting.
- Transporting.
- Repairing, modifying.
- Maintaining, servicing.
- Cleaning.

This wide definition of 'use' means that employers must consider the safety of people carrying out all

these activities, including cleaning and maintenance workers.

Regulation 3: General duties of employers, the self-employed, and those in control of equipment

All employers, equipment hire companies and others in control of work equipment (who may not be the employer of the worker using it) have a duty to ensure that work equipment provided to employees and self-employed people complies with these Regulations. This applies when the equipment is provided by employers and when employers allow employees to provide their own work equipment.

Self-employed workers also have a duty to ensure that the work equipment they provide or use complies with these Regulations. The exemption from health and safety law for self-employed persons within GB does not apply where there is a potential risk to the health and safety of others or the work is prescribed. See page 3 for further information.

Where there is more than one employer on site, employers must make arrangements to co-operate and share information on health and safety. Although the main responsibility of each employer is to their own employees, they must also consider the employees of others. So, for example, this Regulation will apply when contractors' employees are working on the premises, even if only for a few hours. See also Chapter 2 on the Management of Health and Safety at Work Regulations.

Work equipment provided for members of the public are not covered by these Regulations, but the Health and Safety at Work Act or Order (especially sections 3 and 4 or articles 5 and 6) will apply.

Regulation 4: Suitable work equipment

Employers must ensure that work equipment is suitable for the work it is provided to do. They must also ensure that work equipment is only used for work it is intended for.

Employers' risk assessments should cover:

- The design and condition of equipment - for example, could it cause deafness, vibration injuries, strain injury, burns or cuts? If so, what can be done to reduce or eliminate these risks? It's use should not require undue straining, force, or stretching; nor reaching beyond normal physical reach. This could include selecting better designed equipment or making modifications to guard sharp edges, reduce noise and vibration, etc.
- The working conditions where the equipment is used - for example, in wet areas, equipment if electrical must be specially designed for use there. Otherwise, alternatively powered equipment must be used. However, note that combustion engines must have sufficient ventilation or exhaust extraction if run inside. Equipment should be easy to operate even in confined spaces or while wearing protective clothing, with sufficient space, and with consideration of all the forms of energy and substances used or produced. For example, this might include any heat given off, waste, or by-products.
- The purpose of equipment - for example, lightweight DIY tools and equipment are not suitable for professional construction and repair work. Hoists must not be used to lift loads weighing more than the stated safe limit. Scissors should be used where possible instead of knives.

Regulation 5: Maintenance

Employers must ensure that work equipment is 'maintained in an efficient state, in efficient working order and in good repair'. Employers must also ensure that where any machinery has a maintenance log book (recommended for high risk equipment), the log is kept up to date.

HSE Guidance to the Regulations says that any maintenance work should only be done by people who have received adequate information, instructions and training relating to that work (see also Regulations 8 and 9).

The purpose of maintenance is to ensure that performance does not deteriorate to where it puts

people at risk, and "efficient" here means a condition in which it does not risk health and safety.

Maintenance can be:

- Planned and preventative (replacing parts and making adjustments at specific intervals to avoid risk from deterioration or failure).
- Condition based (monitoring the condition of safety critical parts and maintaining when necessary).
- Breakdown (only after a fault or failure) which is only appropriate if failure does not cause an immediate risk and can be corrected before it does.

Regulation 6: Inspection

Where the safety of work equipment depends on the installation conditions, the employer must ensure that it is inspected after installation or any re-assembly or re-installation. This must take place before it is put out/back into service.

Inspections must also be conducted at suitable intervals if conditions could lead to deterioration liable to result in a danger; and each time an exceptional circumstance occurs if it is liable to jeopardise the safety of the equipment. Examples include: a major repair, modification or refurbishment; suspected serious damage; or a substantial change in its nature or use.

The purpose of the inspections is to maintain installation conditions that are safe and healthy, and to detect and remedy any deterioration in good time. They may include visual or functional checks, and testing.

The employer must ensure the competency of both the person/s who decide when inspections are necessary and of the person/s that actually do the inspections. They will need the necessary knowledge and experience, and may have to be given appropriate information, instruction, and training.

The results of inspections must be recorded and kept until the next inspection.

Some work equipment such as that which lifts loads, are not covered by this Regulation, but instead other more specific Regulations.

Regulation 7: Specific risks

Where there is a specific risk, the employer should first try to eliminate the risk. If that is not possible, they should try to control the risk through the provision of guards and interlocks, etc. Only after these physical measures have been taken should they deal with any remaining risk through safer systems of work, information, training and instruction.

If the risk cannot be removed or controlled, then under this Regulation, only people with sufficient information, instruction and training should be able to use it or carry out any repairs.

Regulation 8: Information and instructions

Employers must ensure that all people who use, or who supervise the use of work equipment must have comprehensible and adequate health and safety information available. To be comprehensive, this must be appropriate given their experience, skill, training and any language difficulties or disabilities. Where appropriate, they should also have written instructions on the use of the equipment, which may include manuals and warning labels.

Information and instructions must cover:

- The conditions and methods of use and their limitations.
- Any foreseeable abnormal situations and any action required as a result.
- The action to be taken if, for example, there are accidents, breakdowns or other emergencies.

Information must be 'comprehensible', so information full of technical jargon will not meet this legal requirement. Information must be in a language which employees understand. Note that this will not always be in English.

This Regulation builds on other requirements to

inform and instruct under the Management of Health and Safety at Work Regulations.

Regulation 9: Training

Employers must ensure that all persons who use, or who supervise or manage the use of work equipment, have received adequate health and safety training.

This training must include:

- Work methods.
- Health and safety risks.
- Precautions to be taken.

What is adequate will depend on their existing and what level of competence is required, and the circumstance of use. It may be required on recruitment, following changes (to the task, work, technique, equipment, or work system), or as a refresher.

Note that there are specific provisions for chainsaw operatives.

Regulation 10: European Community requirements

Employers must ensure that work equipment complies with any UK laws implementing European Directives. There are a number of Directives laying down essential health and safety requirements for work equipment. Equipment that meets these requirements will be marked 'CE'.

Regulation 11: Dangerous parts of machinery

Employers must ensure that dangerous parts of machinery are guarded to stop people coming into contact with the dangerous parts. 'Dangerous parts' means sharp edges or moving parts that could trap or crush hands, hair or clothing, etc.

Fixed enclosing guards are preferred and should be used where practicable, followed by other guards or protection devices such as interlocks and pressure

mats. These are preferred over the use and provision of jigs, holders, push-sticks, etc. Lastly, information, instruction, and training should be provided.

This is a hierarchy meaning that the most practicable option as far up the beginning of the list as possible, must first be used, followed by the next step down if risks still remain unacceptably high, and so on and so on.

Dangerous parts of machinery should also be made safe for cleaning, maintenance, repair and the like, as well as for operating the machinery. Note that during maintenance, etc. equipment which under normal use is not dangerous, may now be so.

Regulation 12: Protection against specified risks

Employers must ensure that the following specified hazards are prevented where reasonably practicable or otherwise controlled:

- Material falling or being thrown out of work equipment. For example, a loose board falling from scaffolding or wood chips flying from cutting equipment.
- The rupture or disintegration of parts of work equipment. For example, an abrasive wheel bursting.
- Work equipment catching fire or overheating. For example, an electric motor burning out, or a thermostat failing.
- The unintended or premature discharge of any article, gas, dust, liquid, vapour or other substance, etc. which is either used, produced, or stored by the work equipment. For example a pipe bursting.
- The unintended or premature explosion of work equipment or any article or substance used, produced, or stored in it. For example, sparks igniting flammable gas.

Employers should include these and any other hazards in their risk assessments. Risk controlling measures should be provided as part of the equipment, where reasonably practicable. Protective

clothing and equipment should be provided only as a last resort. Also, information, instruction and training as a protective measure should follow and not be in place of all the other steps in the hierarchy, which should be taken where practicable. See Chapter 5 for more on the Personal Protective Equipment (PPE) Regulations.

This Regulation does not apply where other more specific Regulations require measures to prevent or control risks. This includes: asbestos, ionising radiation, noise, lead, vibration, and hazardous substances (as covered by COSHH).

Regulation 13: High or low temperatures

Employers must ensure that people are protected against very hot or cold parts of work equipment or any article or substance used, produced, or stored by them. This is to prevent burns, scalds, frost bite or searing. Engineering measures (insulation, doors or lids, etc.) should be applied where appropriate, with protective clothing and equipment provided if necessary. Training and supervision are also important.

Regulation 14: Controls for starting equipment

Where appropriate, employers must ensure that equipment has one or more controls for:

- Starting or restarting the work equipment; and
- Controlling changes in speed, pressure or other conditions where the change could present new risks.

The purpose of this Regulation is to prevent accidental start up of equipment, or uncontrolled changes in operation. These should only occur by deliberate use of the control/s. So far as possible, it should not be possible to accidentally activate controls.

Regulation 15: Control stops

Employers must ensure, where appropriate, that work equipment has one or more controls to stop the equipment (or appropriate parts) safely. These

must switch off all sources of energy if necessary for health and safety, and override “start” controls.

Regulation 16: Emergency stop controls

Where appropriate (when other safeguards are not adequate to prevent risk if and when an irregular event occurs), employers must ensure that work equipment has one or more emergency stop controls, or stop controls which override all the others. These should be at every control point and other appropriate locations around equipment to enable a quick response.

Regulation 17: Controls

Employers must ensure that all controls for work equipment are clearly visible and identifiable, and except where necessary (such as with fault finding) positioned so that the user is not at risk.

Where reasonably practicable, equipment control operators must be able to check that no-one is in danger before the control is used. For example, a driver should check that no one is behind a reversing vehicle.

Where this is not reasonably practicable, effective systems of work must be introduced. For example, a lookout to warn a driver of obstructions when reversing. Failing this, an audible, visible or other suitable warning must be used. For example, hooters, sirens, and flashing lights warning of a reversing vehicle. See page 2 for an explanation of what is meant by ‘reasonably practicable.’

In any case, employers must ensure that anyone who could be in danger when work equipment is started or stopped is able to get out of danger in time.

Regulation 18: Control systems

Employers must ensure, so far as is reasonably practicable, that control systems of work equipment are safe. If anything goes wrong with equipment controls systems, it must still be possible to operate ‘stop’ and ‘emergency stop’ controls.

Regulation 19: Isolating from energy sources

Where appropriate, employers must ensure that work equipment can be isolated from all of its sources of energy by, for example, cutting off electricity or gas supplies. The method of isolating the equipment must be clearly identifiable and accessible. Employers must also ensure that reconnection to energy sources does not endanger equipment users.

Regulation 20: Stability of equipment

All employers must ensure that equipment is stabilised to prevent it falling over, collapsing or overturning. This includes mobile work equipment.

Regulation 21: Lighting

Employers must ensure that suitable and sufficient lighting is provided wherever work equipment is used. If daylight is not sufficient, special lighting will be needed. See also Chapter 7 on the Workplace Health, Safety and Welfare Regulations.

Regulation 22: Maintenance operations

Work equipment must be constructed or adapted, as far as reasonably practicable, so that maintenance operations which involve a risk to health and safety, can be carried out while work equipment is shut down. If this is not reasonably practicable, employers must ensure that:

- Maintenance operations can be carried out without risk to maintenance workers; or
- Appropriate protection from risks is provided. This might involve temporary guards, or limited movements and/or the slow-running (crawl speed operated by hold-to-run controls) of machine.

Regulation 23: Markings

Employers must ensure that work equipment carries clearly visible health and safety markings, as appropriate. For example: start and stop controls, weight and speed limits, the contents of gas cylinders, electrical elements and ionising radiations should all be clearly marked. Machines may be

individually numbered to aid identification.

Regulation 24: Warnings

If risks remain despite other measures of prevention and control, employers must also ensure that equipment incorporates warnings or warning devices as appropriate. These may be written, graphical, or pictures, and may give a visible or audible signal. However, they must be clear, be easily perceived and easily understood. Too many warnings can be confusing, especially in busy or noisy areas. Warnings must be suitable for workers with disabilities and anyone wearing protective equipment such as earmuffs.

Regulations 25–30: Mobile work equipment

These Regulations concern the risks from mobile work equipment and things carried on them. These may require where necessary, the provision of seatbelts, seats, barriers and guard rails (to prevent the risk of falling out, contact with wheels or tracks, or to protect from falling objects). Roll-over prevention or protection systems may also be necessary.

Mobile work equipment includes fork lift trucks and other equipment that carries out work while travelling, or that travels between different work locations. These can be self-propelled, towed, or remote controlled.

Chapter 7: The Workplace Health, Safety and Welfare Regulations

Summary of duties and rights

These Regulations lay down minimum standards for workplaces and work in or near buildings. They apply to most types of workplace except transport, construction sites and domestic premises; and have limited application to temporary and outside worksites.

Workplaces must be suitable for all who work in them, including workers with any kind of disability. This applies to traffic routes; seating and workstations; toilet, washing and changing facilities; rest and meal facilities; etc. All workplaces should be as accessible as possible to people with disabilities and new buildings or conversions must be designed with this in mind.

People in control (employers, landlords, and managing agents) of premises have a duty towards people who are not their employees but use their premises.

Trade union safety representatives have rights to be consulted on any measures which may substantially affect the health and safety of their members. Use these rights to be consulted before changes are made to your workplace.

The Guidance explains how workplaces where employees are involved in taking decisions about health and safety, are safer and healthier. Collaboration with employees can help employers spot risks, ensure health and safety controls are practical, and increase the commitment to working in a healthy and safe way.

The duties of employers' and controllers of premises

- *Cleanliness* – keep workplaces and furnishings sufficiently clean. Waste materials must not accumulate, except in suitable receptacles.
- *Clothing* – provide suitable and sufficient accommodation for clothing, as well as changing facilities where special clothing is worn.
- *Doors* – ensure doors and gates are suitably constructed and comply with certain specifications.
- *Escalators* – ensure escalators function safely, are equipped with necessary safety devices, and are fitted with easily identifiable and readily accessible emergency stop controls.
- *Falls* – Tanks and pits must be securely covered and fenced where there is risk of a person falling into a dangerous substance. Other risks from falls are now covered by the Height at Work Regulations.
- *Floors* – ensure floors are suitable, not uneven or slippery, and free from obstructions likely to cause a slip, trip or fall. Handrails must be provided on staircases and steep slopes where possible.
- *Lighting* – provide lighting that is suitable and sufficient and natural so far as is reasonably practicable. See page 2 for an explanation of what is meant by 'reasonably practicable.' Emergency lighting must be provided where lighting failure would cause a danger.
- *Maintenance* – ensure that workplace, equipment, devices and systems are maintained in an efficient state, working order, and good repair. Where appropriate, they must be subject to a suitable system of maintenance.
- *Restrooms* – provide suitable and sufficient rest facilities at readily accessible places. Rest rooms and areas must include suitable arrangements to protect non-smokers from discomfort. Suitable facilities must be provided for: pregnant or nursing workers to rest; and for workers to eat meals.
- *Space* – ensure work rooms have sufficient floor area, height and unoccupied space.
- *Temperature* – maintain a reasonable temperature inside buildings during working hours. A sufficient number of thermometers must be provided.
- *Toilets* – provide suitable and sufficient sanitary

- conveniences at readily accessible places.
- *Traffic* – organise workplaces to allow safe traffic circulation by pedestrians and vehicles.
- *Ventilation* – ensure that enclosed workplaces are ventilated by a sufficient quantity of fresh and purified air.
- *Washing* – provide suitable and sufficient washing facilities at readily accessible places.
- *Water* – provide an adequate supply of wholesome drinking water and cups, readily accessible and conspicuously marked.
- *Windows* – ensure windows and transparent and translucent walls and doors consist of safe material or are protected and clearly marked.
- *Workstations* – ensure that workstations are suitable for the worker and work. A suitable seat must be provided where possible to use whilst working.

The Regulations step by step

Regulation 1: Dates when these Regulations came into force

These Regulations now apply to all workplaces.

Regulation 2: Definitions and coverage

The Regulations apply to a wide range of workplaces, including schools, hospitals, leisure complexes, catering areas, nursing homes, offices, factories and shops.

‘Workplace’ means work areas and any other areas to which workers have access and are not domestic premises (private dwellings). Workplaces may be indoors or outside and include stairs, corridors, private roads and pathways.

‘Domestic premises’ are not covered by these Regulations. However, under the Health and Safety at Work Act or Order, employers are required to look after all employees’ health and safety. Employers’ duties to provide information and training, supervision and safe equipment, etc. are even more important when employees are working in other peoples’ homes or in their own homes.

‘Disabled person’ (under the Equality Act) means someone with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.

Any requirement by or anything done or provided under these Regulations must be ‘suitable’ for the person it is done for. Building Regulations also require new buildings to be accessible to people with either limited mobility, sight, or hearing.

These Regulations apply to residential and nursing homes, and hostels, etc.

Regulation 3: Application to building and temporary sites, etc

The Regulations do not generally apply to construction sites as defined by the Construction, Design, and Management (CDM) Regulations. The CDM Regulations apply to any place where construction work is being carried out or to which workers have access, including the site office; but not workplaces within the site set aside for other purposes.

Temporary worksites must have, ‘so far as is reasonably practicable’:

- Toilets and washing facilities.
- Drinking water.
- Changing facilities and storage for clothing.
- Facilities for rest and eating meals.

(See Regulations 20 to 25). See page 2 for an explanation of what is meant by ‘reasonably practicable.’

Outdoors agricultural and forestry worksites situated away from the undertakings main buildings must have, ‘so far as is reasonably practicable’:

- Toilets and washing facilities.
- Drinking water.

(See Regulations 20 to 22).

Regulations 5 – 19 and 23 – 25 do not apply to temporary worksites.

'So far as reasonably practicable' means a balance between the cost in money, time and effort of making improvements and the likely harm if improvements are not made. Employers must prove that the risk of harm is so small or unlikely as compared to the cost, that the cost is not worth it. This does not mean that employers can avoid their responsibilities simply by claiming that they cannot afford improvements in health, safety or welfare.

Regulation 4: Responsibilities of employers

Employers and others in control of premises have responsibilities for the health and safety of their employees and others working on their premises, and must make sure that the premises meet the requirements of these Regulations. Before deciding that facilities are adequate, employers should take account of all employees, self-employed workers and contractors who may use them. Facilities should be readily accessible. This means that they do not necessarily have to be in the employers workplace. Access to the landlords or a neighbours facilities will meet this requirement.

Buildings that are workplaces must be appropriately stable and solid for their use. An appropriate regime of inspections and maintenance by suitably competent persons should be used to check for defects.

When employees are working on other employers' worksites, their own employer and others in control of premises still have a duty to ensure their health, safety and welfare under the Health and Safety at Work Act (in GB) or Order (In Northern Ireland).

Where employers share a workplace, on a temporary or permanent basis, they are required to co-operate on health and safety under the Management of Health and Safety at Work Regulations. Contracts and agreements between employers should include measures to comply with the Workplace Regulations and other health and safety laws.

Regulation 5: Maintenance

The workplace, equipment, devices and systems must be maintained in good repair (including being cleaned) and not be a risk to health, safety, or welfare, and be adequately hygienic. Where appropriate, there must be a suitable system of maintenance.

The 'equipment and devices' referred to include:

- Ventilation systems.
- Emergency lighting.
- Seating and workstations.
- Powered doors.
- Guards to prevent falls.
- Escalators.
- Anywhere that a fault will mean that employers are not complying with these Regulations.

Maintenance

The ACoP that accompanies the Regulations lists the following as a suitable system of maintenance:

- *Regular maintenance (including, as necessary, inspection, testing, adjustment, lubrication, repair and cleaning) is carried out at suitable intervals.*
- *Any potentially dangerous defects are either immediately remedied or access to the defective equipment is prevented in the meantime.*
- *Regular maintenance and remedial work is carried out properly.*
- *A suitable record is kept to ensure that the system is properly implemented and to assist in validating maintenance programmes.*

Regulation 6: Ventilation

In enclosed workplaces, employers must provide 'effective and suitable' ventilation to supply a 'sufficient quantity' of fresh or purified air. This may be by opening windows where sufficient, or mechanical ventilation where not.

The ACoP to the Regulations says that ventilation systems should not cause uncomfortable draughts, with the air as far as possible free from impurities likely to cause offence or ill-health. Air inlets should not be situated near contaminated air, for example from vehicle exhausts or flues. Recycled air systems should be filtered and mixed with fresh air.

Workplaces where hazardous substances are used will need a higher standard of ventilation. Legislation such as the Control of Substances Hazardous to Health Regulations (COSHH), includes more specific requirements. Water based ventilation systems may involve a risk from Legionnaires for which further specific Guidance and an ACoP is available from the Health and Safety Executive (HSE). UNISON also has further Guidance on COSHH and Legionnaires – see chapter 8 for more detail.

Work in 'confined spaces' such as sewers, tanks or pits should be avoided where possible and where not, needs special precautions under the Confined Spaces Regulations.

Regulation 7: Temperature

Employers must ensure that:

- During working hours, the temperature in all workplaces inside buildings is 'reasonable'.

This means providing reasonable comfort without the need for special clothing – expecting workers to work indoors in thick coats or gloves does not comply with this Regulation! The ACoP says that workrooms should normally be at least: 16°C for most types of work, and 13°C for work involving 'rigorous physical effort'. But the Code points out that other factors (such as draughts and humidity) must also be considered when aiming for a 'comfortable' temperature, which might not therefore be 16 or 13 °C.

- Methods of heating or cooling must not produce harmful or offensive fumes, gases or vapours.
- A sufficient number of thermometers must be provided to enable workers to check temperatures within workplaces inside.

These temperature guidelines do not apply where they would be impractical, such as with rooms which have to be open to the outside or where food or other products are kept cold. In these situations, the temperature should be as close as possible to 16 or 13 °C, and other steps should be taken to minimise workers exposure to the cold. This includes as a last resort, suitable protective clothing, rest facilities, and limiting the time individual workers work there.

- The ACoP says that thermometers need not be provided in each workroom. However, if the temperature in a particular workroom is uncomfortable, insist that the temperature in that room be measured.

High temperatures

No maximum temperature is given in the Regulations or Code, but the ACoP does say that 'all reasonable steps should be taken to achieve a comfortable temperature', for example:

- *Insulating hot pipes and equipment.*
- *Providing air cooling plants.*
- *Shading windows.*
- *Siting workstations away from hot areas.*
- *Using fans and increased ventilation in hot weather.*

As a last resort, employers should provide suitable protective clothing and rest facilities, and limit the amount of time that individuals work in these areas.

Regulation 8: Lighting

Employers must ensure that:

- Every workplace has suitable and sufficient lighting.
- This should be natural light, so far as is reasonably practicable, and workstations should be positioned to take advantage of this unless this would cause excessive heat or glare.
- Suitable and sufficient emergency lighting shall be provided where lighting failure would cause a danger, and shall be powered from a separate source to the normal lighting.

The Regulations do not define 'suitable and sufficient', but the Code says that lighting should be sufficient to enable people to work, use facilities and move from place to place safely and without experiencing eye-strain. Outdoor areas should be adequately lit after dark.

Lighting should not cause annoying glare or lead to other hazards such as fire, electrical, or collision, etc.

The Display Screen Equipment Regulations also include specific requirements for lighting for use of DSE (computers, etc). See chapter 3 for more detail.

Regulation 9: Cleanliness

- Every workplace; and the furniture, furnishings and fittings must be kept sufficiently clean.
- Floors, walls and ceilings must have easily cleaned surfaces and must be maintained, treated and repaired as necessary.
- Waste materials must not be left around, except in suitable containers.

'Sufficiently clean', means regularly cleaned so that dirt and refuse does not accumulate and spillages and deposits are removed or cleaned up as soon as possible. The frequency and standard of this cleaning will depend on the particular work area. Food preparation and health care work will require very high standards of cleanliness. All floors should be kept clear of spills and objects that could cause trips or falls.

The ACoP warns that cleaning should be carried out by an effective and suitable method, and without exposing anyone to a health and safety risk. This includes risks to people doing the cleaning.

Regulation 10: Room dimensions and space

Every workroom should have sufficient floor area, height and unoccupied space for the purposes of health, safety and welfare. The ACoP says that workrooms should have enough free space to allow people to easily move to and from workstations and within the room.

As a minimum, 11 cubic metres should be allowed per person excluding any space over three metres high. However, this may be insufficient if much space is taken up by furnishings or equipment. Room layout and the nature of the work should also be considered.

The minimum allowance of 11 cubic metres does not apply to lecture and meeting rooms, nor sales kiosks, attendants shelters, and similar.

Regulation 11: Workstations and seating

- Every workstation (including seating and access to it) must be suitable for the worker using it (including those with special needs or disabilities) and the work being carried out.

Unfortunately 'workstation' is not defined by the Regulations or ACoP. However, it is likely to include desks, work surfaces, and workbenches, etc. Workstations must be arranged so that the work can be carried out safely and comfortably with sufficiently clear and unobstructed space and allowing adequate freedom of movement. Frequently used equipment, controls, or materials should be within convenient reach so that awkward postures or movements such as bending or stretching are kept to a minimum.

- Outdoor workstations should provide protection from bad weather so far as is reasonably practicable; allow the user to leave quickly or receive assistance in an emergency; and ensure

that the user is not likely to slip or fall.

- Suitable seating should be provided where the work can or must be done sitting down, with a footrest where necessary.

Seating or workstations should be the right height for the user and in relation to the work surface. Seating should also include proper back support.

Regulation 12: Floors

Every workplace floor, whether inside or out must be:

- Suitably constructed.
- Without uneven or slippery surfaces, or holes or slopes that may risk health and safety.
- So far as is reasonably practicable, kept free from obstructions and other slip, trip or fall hazards.

Stairs and steep slopes must be provided with handrails where possible. Damaged surfaces which may cause a trip or fall must be repaired, and marked or protected until this is done.

Floors should have effective drainage in areas likely to get wet, with suitable, possibly non-slip surfaces (where there are extra dangers such as machinery).

People with disabilities must be included within these considerations.

Regulation 13: Preventing falls or falling objects

So far as is reasonably practicable, employers must prevent anyone falling into a tank or a pit containing dangerous substances. These include hot, poisonous, corrosive fumes, gases, or vapours which are likely to overcome an individual; free-flowing solids; or liquids. See page 2 for an explanation of what is meant by 'reasonably practicable.'

Adequate and secure covers or fencing must be able to restrain either someone or objects either falling against or travelling over them. It is not enough for employers simply to tell workers to be careful of

holes or pits, etc.

The rest (most) of this Regulation was removed and replaced by the Work at Height Regulations. These require employers to avoid work at height where possible, or otherwise prevent falls. Where a risk of a fall remains, the distance and consequence of potential falls should be minimised, using a risk assessment approach. See UNISON and HSE websites for further Guidance on falls from height - further details in chapter 8.

Regulation 14: Windows and transparent or translucent doors and walls, etc

Windows and glass doors or walls must be:

- Made of safety material or be protected against breakage.
- Marked or designed to make transparent surfaces obvious.

The intention of this Regulation is to prevent injury from broken glass or accidentally walking through unmarked glass doors or panels.

Regulation 15: Windows, skylights and ventilators

All windows, skylights and ventilators which may be opened must be designed to be opened, closed, adjusted or left open without risk to health and safety.

Regulation 16: Safety of window cleaning

All windows and skylights must be easy and safe to clean. This includes consideration of the use of suitable and safe equipment.

Regulation 17: Pedestrian and vehicular traffic routes on site

Every workplace must be organised so that pedestrians and vehicles can circulate safely with sufficient separation of:

- Pedestrians and vehicles.
- Vehicular traffic routes and gates or doors used by pedestrians.

Signs, appropriate crossing points, floor markings for segregated routes, speed retardants, one-way systems, mirrors, and/or screens from exhaust fumes or falling objects may be necessary; and access between floors must normally not be by ladders or steep slopes.

'Vehicles' include all road vehicles, fork lift trucks, automatic driverless vehicles, electric buggies, and various forms of personal mobility transportation.

Regulation 18: Doors and gates

Doors and gates must be suitably constructed and fitted with any necessary safety devices. These safety devices may include features to stop them coming off their tracks or rails, or to prevent them falling if they do come off; and fall prevention devices on upward opening doors. Powdered doors or gates should have features to stop them striking or trapping someone; and either manual or automatic opening if the power fails.

Further examples include see-through panels in doors which swing in both directions, or on conventional doors on main traffic routes, and at a height so that wheelchairs are visible.

Regulation 19: Escalators and moving walkways

Escalators and moving walkways must function safely; be equipped with necessary safety devices; and be fitted with easily accessible and identifiable emergency stop controls.

Regulation 20: Toilets

There must be 'suitable and sufficient' sanitary conveniences (toilets) provided at readily accessible places. 'Suitable' means that the conveniences must be:

- Adequately ventilated and lit.
- Kept in a clean and orderly condition.
- In separate rooms for men and women where a row of cubicles, or otherwise each toilet in its own room with a lockable door. A row of cubicles in one room must not be mixed.

The ACoP says that flush toilets should be provided which are connected to a suitable drainage system. Toilet paper and a coat hook should be provided. In toilets used by women, suitable means should be provided for the disposal of sanitary dressings.

Regulation 21: Washing facilities

There must also be 'suitable and sufficient' washing facilities provided at readily accessible places. This includes showers if required by the nature of the work or for health reasons, for example, hot or dirty work or contamination with hazardous or offensive materials.

'Suitable' means that washing facilities must be:

- Provided near to sanitary conveniences (even if also provided elsewhere).
- Provided near any changing rooms (that are required under these Regulations - even if also provided elsewhere).
- Provided with a supply of clean hot and cold or warm water, which so far as is reasonably practical, should be running.
- Provided with soap or other suitable means of cleaning.
- Provided with towels or other suitable means of drying.
- Sufficiently ventilated and lit.
- Kept in a clean and orderly condition.

- Separate facilities for men and women except where only used to wash hands, forearms, and the face, or where each facility is in its own room and has a lockable door. A row of shower cubicles in one room must not be mixed.

Toilets and washing facilities

The table below gives the minimum number of toilets and washing facilities listed in the ACoP for where both men and women work. The facilities must be conveniently located, not necessarily in the workplace, but if possible in the building. Provision must be made for any workers with disability so that they can access facilities adjusted for their use.

The Code also says that enough facilities should be provided to enable everyone at work to use them without undue delay. This means that more than the minimum toilets and facilities will be needed in many workplaces, especially where breaks are taken or work finishes at the same time.

Maximum number of people likely to be at work	Number of Toilets	Number of Washbasins
1 to 5	1	1
6 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5
Plus one further toilet and washbasin for every 25 more people.		

If urinals are provided for men, then the number of required toilets reduces. But more toilets and washbasins will be needed where the work is very dirty or where members of the public also use them (for example visitors, residents or students). Where possible, try to get separate toilets and facilities for staff and the public. The use of public facilities for employees is only acceptable as a last resort where no other arrangements are possible.

In catering areas, food hygiene laws also require certain standards of toilets and washing facilities.

For temporary worksites, employers must comply with these Regulations as far as is reasonably practicable (see Regulation 3). If not practicable, mobile facilities should be provided wherever possible and include flushing toilets and running water.

For remote workplaces without running water or a nearby sewer, enough water in containers for washing or other means of maintaining personal hygiene, and enough chemical toilets must be provided. As far as possible, the toilets must not need to be manually emptied.

Regulation 22: Drinking water

An adequate supply of wholesome drinking water must be readily accessible at suitable places. The supply must be marked where necessary for reasons of health and safety. Cups must be provided (disposable or with a facility for washing them up) unless the supply is from a drinking fountain.

Regulation 23: Accommodation for clothing

Employers must provide suitable and sufficient accommodation for:

- Workers' own clothing which is not worn during working hours. This may be within the normal workroom unless this is unsuitable.
- Special clothing worn at work but not taken home (for example overalls, uniforms, thermal clothing). This must be different accommodation if necessary to avoid health risks or damage to other/normal clothing.

The accommodation should be clean, warm, dry and well-ventilated, and located in a suitable place. So far as is reasonably practicable, the accommodation must include facilities for drying or to allow clothes to dry.

The PPE Regulations also require accommodation for clothing and equipment. See chapter 5 for more on this.

Regulation 24: Changing facilities

Suitable and sufficient changing facilities must be provided where:

- Workers have to wear special clothing for work, and have to remove more than their outer clothing or where necessary to prevent their own clothes being contaminated by hazardous substances.
- Workers cannot be expected to change in another room.

To be suitable, there must be separate facilities for, or separate use of facilities by men and women. They must also provide privacy, be easily accessible, have seating, and be large enough for everyone to use without overcrowding or unreasonable delays.

The Control of Substances Hazardous to Health Regulations (COSHH) also requires changing facilities for people working with toxic substances. See chapter 8 for further details of UNISON's guide on COSHH.

Regulation 25: Restrooms and meal facilities

Suitable and sufficient rest facilities (usually separate restrooms, but possibly just rest areas in older buildings) must be provided. All rest facilities must include:

- Facilities for workers to eat meals if food could be contaminated in the work area by, for example, chemicals, dirt, dust or water. Facilities must also be provided when meals are regularly eaten in the workplace; including facilities for preparing or obtaining hot drinks (such as a kettle or vending machine). This may include a work canteen as long as there is no obligation to buy food. Where the time or place of work means that hot food cannot be obtained reasonably near, there must also be a means of heating food.
- Adequate numbers of tables and adequate seating (with backs) for the number of workers likely to use them at any one time. There must also be suitable chairs and tables for the number

of disabled persons at work. If workers have to stand to carry out their work, they should be given suitable seats if there is an opportunity to sit from time to time.

- Arrangements to protect non-smokers from discomfort caused by tobacco smoke - if smoking is not otherwise covered by the law banning smoking in enclosed workplaces. For more information here, see UNISON's Guidance on Smoking at Work.
- Suitable rest facilities for pregnant workers and nursing mothers. These should be situated near to toilets and include somewhere comfortable and quiet to lie down if needed.

All rest facilities should be clean, large enough for everyone who needs to use them, in areas where PPE need not be worn, and where workers can rest without disturbance.

Eating facilities should also be kept clean and include means of obtaining hot drinks. The ACoP to the Regulations says that when hot food cannot be obtained in or near the workplace, facilities should be provided for workers to heat their own food.

Other Regulations on asbestos, lead, ionising radiation and hazardous substances are also concerned with eating in the workplace due to specific health and safety risks.

Regulation 25A: Disabled Persons

Where necessary, those parts of the workplace used or occupied directly by disabled persons at work must be organised (and therefore suitable) for them. This includes doors, passageways, stairs, showers, washbasins, toilets, and workstations.

Chapter 8: Further information and advice

UNISON guidance and other materials

UNISON produces leading trade union Guidance on a range of health and safety hazards relevant to our members. Most of our general health and safety materials, including those mentioned below and those for recruitment are available on the web at <http://www.unison.org.uk/knowledge/healthandsafety>.

Some job or sector specific materials are produced by the relevant national service group. Items such as guides, leaflets, and posters can also be downloaded or ordered from the online catalogue at <http://www.unison.org.uk/for-activists/help-and-advice/communicating/online-catalogue/>.

Health and Safety Reps Guide (stock no. 1684) - on the role and rights of safety reps.

Risk Assessment, a guide for UNISON safety reps (stock no. 1351) - on the requirement to carry out general risk assessments under the Management of Health and Safety at Work Regulations.

Health and Safety Inspections at Work (stock no. 1939) - guide for safety reps on workplace safety inspections.

Hazardous Substances at Work (stock no. 3506) - a guide for safety reps on the law on the control of hazardous substances (COSHH).

The Safety Representatives and Safety Committees Regulations ("The Brown Book") (stock no. 1819) - the Regulations, Code of Practice and official Guidance on the law on the role of safety reps, their rights, and employers corresponding duties.

Height at Work Information Sheet - <https://www.unison.org.uk/content/uploads/2013/10/PoliciesWorking-at-Height-Information-Sheet3.pdf>.

Legionnaires' Disease Information Sheet - <https://www.unison.org.uk/content/uploads/2013/12/PoliciesLegionnaires-Disease-Information-Sheet2.docx>.

Smoking at Work Information Sheet - <https://www.unison.org.uk/content/uploads/2015/03/TowebSmoking-at-Work-Information-Sheet2.pdf>.

Procurement - <https://www.unison.org.uk/get-help/knowledge/contracts/procurement/>.

The TUC and HSE Guidance and other materials

Various Guidance and the health and safety six pack Regulations, Codes of Practice, and Guidance (in full) are available from the websites of the HSE (www.hse.gov.uk/index.htm) and HSENI (<http://www.hseni.gov.uk/>).

The TUC website contains lots of useful Guidance and advice at <https://www.tuc.org.uk/workplace-issues/health-and-safety>.

Specific help, advice and case studies

If you have any specific problems where you need help or advice, your local branch health and safety officer or branch secretary may be able to assist. If not, they may pass on your query to a regional officer, who may in turn contact UNISON's Health and Safety Unit.

And do not forget UNISONdirect, a service dedicated to providing information and advice for members. The number is 0800 0 857 857, or 0800 0 967 968 for text phone.

We also want to share your experiences and successes. So if you have a case study, an example of good practice, or a local campaign or story to share, email UNISON's Health and Safety Unit at healthandsafety@unison.co.uk, or write to UNISON, Health and Safety Unit, UNISON Centre, 130 Euston Road, London, NW1 2AY.

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