

Wilkins Safety Group



Weekly Update Newsletter

Welcome to this issue - Friday 21st January 2011 - of our Update Newsletter

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MANAGEMENT OF HEALTH & SAFETY AT WORK REGULATIONS 1999

An overview of the Legal Requirements

The Management of Health and Safety at Work Regulations 1999 in general make clear what employers must do to manage health and safety under the Health and Safety at Work Act and like the Act, they apply to every work activity.

Because of their wide ranging general nature, the duties of the Management of Health and Safety at Work regulations overlap with many other existing regulations.

Where the duties do overlap, compliance with the duty in the more specific regulation will normally be sufficient to comply with the corresponding duty in the Management of Health and Safety at Work Regulations.

However, where the duties in the Management of Health and Safety at Work Regulations go beyond those in the more specific regulations, additional measures will be needed to comply fully with the Management of Health and Safety at Work Regulations.

Below is an outline of the Regulations, and a copy of the full Regulations and Approved Code of Practice is available from HSE Books.

Regulation 1 - Citation, commencement and interpretation.

Gives an illustration of the terms laid out in these Regulations.

Regulation 2 - Dis-application of Regulations

Regulations exclude the master and crew of sea-going ship and do not apply to domestic services in private households.

Regulation 3 - Risk assessment

Requires all employers to assess the risks to workers and any others who may be affected by their work or business. The risk assessment is carried out to identify the risks to health and safety to any person arising out of or in connection with work or the conduct of their undertaking.

The risks must be recorded. They must be reviewed and, if necessary, modified.

Regulation 4 - Principles of prevention to be applied

Employers need to introduce preventative and protective measures to control the risks identified by the risk assessment in order to comply with legislation.

Regulation 5 - Health & Safety Arrangements

This regulation requires employers to have arrangements in place to cover health and safety. The health and safety arrangements can be integrated into the management system for all other aspects of the organisation's activities. The management system adopted must reflect the complexity of the organisation's activities and working environment.



They must:

Plan, adopting a systematic approach.

Organise - setting up the decision-making, financial and other management arrangements within the business to ensure progressive improvement of health and safety performance

Control - making sure that decisions for ensuring and promoting health and safety are being implemented as planned.

Monitor and review - examination and review of procedures and achievements, with feedback to ensure progressive improvement in health and safety

Regulation 6 - Health Surveillance

Every employer shall ensure his employees are provided with appropriate health surveillance having regard to their health and safety.

Regulation 7 - Health & Safety Assistance

Every employer shall appoint one or more competent persons to assist him in undertaking the measures he needs to take to comply with the requirements and prohibitions placed on him under relevant statutory provisions.

The employer shall ensure that the number of persons appointed have the time available to fulfil their functions and the means at their disposal are adequate having regard to the size of the undertaking and the risks to which his employees are exposed and the distribution of those risks throughout the building.

Employers are solely responsible for ensuring that those they appoint to assist them with health and safety measures are competent and are given adequate information and support. In making decisions on who to appoint employers themselves need to know and understand the work involved, the principles of risk assessment and prevention and current legislation and health and safety standards.

The appointment of such health and safety assistants or advisors does not absolve the employer from responsibilities for health and safety under the Health and Safety at Work Act. It can only give added assurance that these responsibilities will be discharged adequately. Assistance can be sought from suitably qualified in-house staff or from out-sourced consultants.

Regulation 8 - Emergency Procedures and dangerous situations

Employers must set up procedures to deal with serious danger situations, emergencies and evacuations. They must nominate sufficient competent people to implement evacuation procedures.

Regulation 9 - Contacts with external services

Employers must ensure that there are adequate contacts with external services, especially regarding first aid, emergency medical arrangements and rescue work. The Regulations do not say what arrangements should be made, although it is presumed to support the duty to make arrangements for serious and imminent danger.

Regulation 10 - Information for employees

All employees must be provided with clear and relevant information on:

- Risks to their health and safety
- Control measures
- Emergency procedures for serious and imminent danger
- The identity of competent persons with regards to emergency procedures

Before employing a child (under 13), employers must provide the child's parents with clear and relevant information on:

- The risks to the child's health and safety, identified by the risk assessment
- The preventive/protective measures in place
- Any relevant risks notified to them by others

Regulation 11 - Co-operation and co-ordination

Arrangements must be made for co-operation and co-ordination between any employers who share a workplace, for example a multi-occupied building. This applies whether the arrangement is temporary or permanent.

There is a similar requirement for employers who take on others to carry out work on their behalf – e.g., sub-contractors - to provide information on health and safety issues.

Regulation 12 - Anyone working in a host employer's or self-employed person's undertaking

Employers (and the self-employed) must make sure that employers of workers from another undertaking who are working in his undertaking are given clear information on the:

- Risks to the employees' health and safety
- Steps taken to ensure compliance with relevant health and safety law and Part II of the 'Fire Precautions (workplace) regulations 1997'.

Regulation 13 - Capabilities and training

Employers must take account of employees' individual capabilities and health and safety training when allocating tasks to them.

All employers have to provide health and safety training for their employees, both on recruitment and when they are to be exposed to new or increased risks due to:

- Being transferred or given different responsibilities within the same organisation
- The introduction of new work equipment or a change of use of existing work equipment
- The introduction of new technology
- The introduction of a new system of work or a change in an existing system of work

Such training should take place during working hours, be repeated periodically, and where appropriate should be adapted to take account of new/altered risks to health and safety. See below for training.

Regulation 14 - Employees' duties

Employees must follow instructions and training given to them by their employers.

Employees should inform their employers, or anyone with specific responsibilities for their health and safety, of any work situation that they believe represents a serious and immediate danger to health and safety. They should also notify such persons if they believe the employers' arrangement for safeguarding health and safety are inadequate.

Regulation 15 - Temporary Workers

Anyone employing a person on a fixed-term contract of employment has to provide the person with information on:

- Any special qualifications or skills required to carry out their work safely and without risk to health
- Any health surveillance required

This information must be provided prior to the person starting work with the employer and should also be provided to employment businesses.

Regulation 18 - Pregnant and new mothers

Where employees include women of child-bearing age and the work could involve a risk to new or expectant mothers or their babies, risk assessments must include assessments of such risks. For practical purposes, the risk assessment should not distinguish between women of child-bearing age and those who are known to be pregnant.

If normal control measures will not protect a new or expectant mother from such risks, it may be necessary to alter her working conditions or hours of work. If these actions are not reasonable options, or they would not avoid the risks, the employer must suspend the employee from work for as long as necessary on full pay.

Regulation 17 - Certificate from registered medical practitioner regarding new or expectant mothers

If a new or expectant mother works at night and a registered medical practitioner or registered midwife provides a certificate that states that she should be at work for a specified duration, the employer must suspend the employee from work for as long as is required to safeguard her health and safety.

Regulation 18 - Notification by new or expectant mothers

Employers do not have to take any action until the employee has notified the employer in writing that she is pregnant, has given birth within the last six months, or is breastfeeding.

Regulation 19 - Protection of Young People

Before a young person is employed, the employer must carry out a relevant risk assessment. There will be no need to carry out additional risk assessments where risks have already been assessed for the general workforce, provided the current assessments take into account the factors likely to affect young people.

Employers offering employment, including work experience, to children under the minimum school-leaving age must make available to parents information on the outcome of risk assessments and on any control measures applicable to the risks. This information need not necessarily be in writing and, in the case of work experience, there is scope to involve organisers such as schools, colleges etc. in passing information on to parents.

These requirements do not apply to occasional or short term work in domestic service or regarded as not being harmful, damaging or dangerous to young people working in a family undertaking.

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If you would like to discuss any of the issues highlighted in this newsletter, then drop an email to Jon on jon@jonwilkins.co.uk or call the office [01458 253682](tel:01458253682)



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