



## Legislation – Health and Safety

This is about the legislation relating to health and safety within the workplace, including those affecting customers, clients and visitors. These laws have been arranged in alphabetical order for ease of use.



### Control of Substances Hazardous to Health Regulations 2002 (COSHH)

Protection from substances - natural or artificial, liquid or solid, gas, vapour or dust, and including biological substances and micro-organisms - which create a hazard to health of any person as a result of work carried on by the employer, is provided by the Control of Substances Hazardous to Health Regulations 2002 (COSHH). These regulations were first introduced in 1989 and have been amended and updated several times since, the most recent update expanding the requirements on risk assessment, control measures including PPE, instruction and training, emergency procedures and other matters.

The regulations states that “an employer shall not carry on any work which is liable to expose any employees to any substance hazardous to health unless he has made a suitable and sufficient assessment of the risks created by work to the health of those employees.” Therefore risk assessments of all hazardous chemicals and substances which employees may be exposed to at work are needed. Any necessary steps to prevent exposure which may cause short or long term harm should be followed.

When considering carrying out your legal obligations under the COSHH Regulations all areas should be surveyed in order to ascertain the chemicals and substances used. It is important to make everyone aware that a COSHH assessment is about to take place. The assessment should be undertaken by a competent person, with the necessary experience and training.

These basic steps should be followed:

1. *Recognition* - Identify the chemicals and substances in use throughout the unit. Where there is difficulty in obtaining sufficient information from this source, then the supplier of the product should be contacted in order to obtain a technical data sheet on the product. There is a requirement under the Health and Safety at Work Act 1974 for suppliers to provide such information. Information should be obtained on the quantity held, where and how it is stored, the frequency of use (monthly, weekly, daily), period of use (how often in that day) and how the substance is applied (cloth, brush, spray etc.). Careful note must be made of any designated hazard which must be marked under the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (as amended 1997). These are indicated by orange and black square diagrams indicating that the substance is corrosive (two dripping test tubes over a hand and solid block), harmful or irritant (black diagonal cross), toxic or very toxic (Skull and cross bones).
2. *Measurement* - It is necessary to investigate who is exposed to the substances, how they are exposed and for how long they may be exposed.
3. *Evaluation* - It is necessary to judge against information provided by the supplier (technical data sheets) and on the labels of products whether there is a risk to health from the product. Existing control measures, monitoring procedures and staff information and training should also be included in this monitoring stage.
4. *Control* - The best possible control measures should be implemented regarding the nature of the substance, the risk to health and the way that it is used within the unit. Control measures must either prevent exposure to harmful substances altogether, or where this is not possible, control exposure to an acceptable level.

When considering carrying out your legal obligations under the COSHH Regulations all areas should be surveyed in order to ascertain the chemicals and substances used.



Remember that any electrical installation and equipment must be properly constructed and maintained through risk assessments and Health and Safety Checks, and suitable for the wet and humid environments found at swimming pools. Electrical equipment must not exceed 110v when positioned on or near the poolside. The Electrical Equipment (Safety) Regulations 1994 were amended in 2016 by the Electrical Equipment (Safety) Regulations 2016. The 2016 regulations apply to all electrical equipment placed on the market after this date. For electrical equipment placed on the market prior to this date the 1994 regulations will continue to apply.

### Electricity at Work Regulations 1989

The design, installation, operation, use and maintenance of all electrical systems and equipment in the workplace are covered by the Electricity at Work Regulations 1989. Electricity is a major hazard - not only can it kill directly, through shocks (and the majority of electric shock fatalities occur at voltages up to 240V), it can also cause fires and explosions.

These regulations aim to impose duties to limit the risks involved in using electricity at work:

- *Electrical equipment* - This includes anything used, intended to be used or installed for use, to generate, provide, transmit, transform, rectify, convert, conduct, distribute, control, store, measure or use electrical energy. This definition is extremely wide and includes everything from very high voltage overhead supply cables to battery-powered equipment.
- *System* - This covers all and any electrical equipment which is, or may be, connected to an electrical energy source, and includes that source.
- *Danger* - This means risk of injury.

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### Electrical Equipment (Safety) Regulations 1994 and 2016

These Regulations apply to most consumers, commercial and industrial electrical equipment designed for use within the voltage ranges 50 V ac to 1,000 V ac and 75 V dc to 1,500 V dc. The requirements were designed to provide a single market in safe electrical equipment and a high level of protection for consumers throughout the EEA. Products covered by this legislation are required to carry the CE Marking.

The Regulations are enforced by the local authority trading standards departments for electrical equipment intended for the consumers, and by the Health and Safety Executive in respect for equipment intended for the workplace.



- *Injury* - This covers death or personal injury from electric shock, electric burn, electrical explosion or arcing, or from fire or explosion initiated by electrical energy, where any such death or injury is associated with the generation, provision, transmission, transformation, rectification, conversion, conduction, distribution, control, storage, measurement or use of electrical energy.

Duties are placed on employers, employees and the self-employed - to comply with the regulations as far as matters are under their control. Employees should co-operate with their employer

Many employees in the electrical trades and professions have responsibilities, as part of their duties, related to the safety of electrical installations and systems. The regulations quantify these responsibilities, by putting them under a legal duty to work in accordance with the requirements of the regulations.

### Environmental Permitting (England and Wales) Regulations 2010 and 2018

These Regulations have been replaced and amended numerous times. They require the control of certain activities which could harm the environment or human health including local air pollution. The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2018 amends the Environmental Permitting (England and Wales) Regulations

2016 to ensure that, on the United Kingdom's exit from the European Union, they remain fully operable.

Duties are placed on employers, employees and the self-employed - to comply with the regulations as far as matters are under their control.

### The Environmental Protection (Duty of Care) (Scotland) Regulations 2014

The Duty of Care is a law that says you must take all reasonable steps to keep your waste safe. If you give waste to someone else, you must be sure they are authorised to handle it and can transport, recycle or dispose of it safely.

According to the regulation, the transferor and the transferee must complete, sign and retain a 'transfer note' that describes the waste. This note must:

- Give the name and address (including the postcode) of the transferor and the transferee.
- Give the date and place (including the postcode) of the transfer.
- State whether the transferor is the producer of the waste.
- State whether the transferor is the importer of the waste.
- Describe the type, composition and quantity of the waste being transferred (including, where the waste is in a container, the type of container).
- Identify the waste being transferred by reference to the appropriate six-digit code in the European Waste Catalogue.
- Identify the activity carried out by the transferor in respect of the waste being transferred by reference to the SIC code for that activity.

### Environmental Protection Act 1990

As of 2008 defines within England, Wales and Scotland the fundamental structure and authority for waste management and control of emission into the environment. It enables the Secretary of State to enforce regulations to control pollution of all environmental media, from industries with the potential to cause harm. The EPA 1990 exists in eight parts but only I, II and III have significant implications for industry.

Part I establishes a regime by which the Secretary of State for Environment, Food and Rural Affairs can prescribe any process or substance and set limits on it in respect of emissions into the environment.

Part II sets out a regime for regulating and licensing the acceptable disposal of controlled waste. Which is any household, industrial and commercial waste.

Part III covers Statutory Nuisance with particular reference to noise and clean air.

Environmental legislation in Northern Ireland is broadly equivalent to that in the rest of the UK and it comes from the EU. The most significant differences are between the environment regulators which in Northern Ireland are the function of the Department of the Environment Northern Ireland.

## Environment Act 1995

This Act established the Environment Agency and in Scotland the Scottish Environment Protection Agency.



### Fire Safety Order 2006

The order applies to all businesses in England and Wales. It simplifies over 70 pieces of legislation and repeals the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997 (amended 1999).

The objective of the law is to reduce death, injury and damage caused by fire by placing the responsibility for fire safety on the employer or 'responsible person' for that building or premises. The main effect of the changes is to move towards greater emphasis on fire prevention.

The 'responsible person' is the person/s who owns or controls the business. This is also the owner of the property. If the two are different they must share responsibility and are obliged to co-operate.

The 'responsible person' will be required for each premise to carry out a fire risk assessment and take steps to reduce or remove the risk and ensure that precautions are implemented to ensure the safety of employees and other relevant people. In addition:

- The assessment should also consider those at special risk, such as disabled people.
- Businesses employing five or more must record the significant findings of the assessment.
- Each assessment needs to be reviewed regularly and when any significant changes to the building or work activity occur.
- The responsible person must consult employees on Fire Safety matters and provide them with information.
- The responsible person must appoint one or more competent people to assist in the delivery of the assessment.

As a result of the assessment there must be a policy in place which aims to minimise the risk of fire, reduce the spread of fire, provide means of escape and take preventative action.

Policies and procedures must include:

- Procedures for dealing with a fire must be set up and recorded and identify circumstances that initiate the emergency procedure and gives details of the evacuations and fire drill.
- Procedures that ensure evacuation routes are kept clear and marked with appropriate signs, fire extinguishers are provided and maintained, employees are given appropriate instructions or training and visitors are controlled and informed.



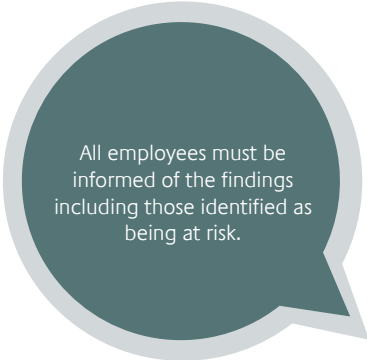
- Records should be kept of fire risk assessment, fire safety policies and procedures, training, drills, installation and maintenance of alarms, emergency lighting and extinguishes.
- Measures must be taken to reduce the risk of fire spreading, fire resisting walls and doors must be kept in good order and the doors equipped with self-closing devices.

Businesses will no longer need a fire certificate. Inspections will continue and evidence of fire risk assessments will be required.

### The Fire Safety (Scotland) Regulations 2006 amended 2010

Repealed all previous fire safety legislation and placed a requirement on Scottish businesses to do a fire risk assessment that looks at reducing and removing the risk of fire. Under UK Fire Safety law, employers must carry out a fire risk assessment that seeks to remove or reduce the risk of fire. If five or more people are employed the significant findings of the assessment must be documented.

Amendments to the 2006 Regulations took place in 2010 affect duties of employers to their employees and deals with capability. It places a duty on employers to consider the capabilities of their employees in relation to fire safety when entrusting any tasks to them.



All employees must be informed of the findings including those identified as being at risk.



## The Fire and Rescue Services (Northern Ireland) Regulations 2010

The Regulations that came into effect in 2006 and replaced all existing legislation, following the Regulatory Reform (Fire Safety) Order 2005 which was already in effect in England and Wales, and the Fire Scotland Act 2005 in Scotland. There was major change in 2010, with the repeal of certification and the fire service inspection and enforcement moving from prescription to identification of risk.

Every employer, or person responsible for common areas of buildings in multiple occupation, has an absolute duty imposed by the Regulations to carry out a Fire Risk Assessment. Under these regulations, workplaces must have a suitable and sufficient Fire Risk Assessment in place that includes all matters relating to fire precautions, which must be reviewed regularly (normally annually). The findings of the Fire Risk Assessment must be formally recorded if there are 5 or more employees.

*Definition of suitable and sufficient* – Must be carried out by someone who has had suitable training to carry out Fire Risk Assessments, minimum industry standard - PAS 79 Model, and have sufficient experience, minimum 6 months, in carrying out Fire Risk Assessments.



## Hazardous Waste (England and Wales) Regulations 2009 amended 2016

Many everyday products such as fluorescent tubes, TV's computer monitors and some paints and batteries are now classed as hazardous waste.

If the material that you are handling has hazardous properties, you may need to deal with it as hazardous/ special waste. Waste is hazardous if it contains substances or has properties that may make it harmful to human health or the environment.

Hazardous waste can also include:

- Acids.
- Alkaline solutions.
- Oil fly ash.
- Industrial solvents.
- Oily sludges.
- Pesticides.
- Pharmaceutical compounds.
- Photographic compounds.
- Waste oils.
- Wood preservatives.

You need to know about the regulations if you produce, dispose of, carry or receive hazardous waste. This includes hazardous waste going to storage, treatment, recycling or disposal. The Regulations do not apply to the disposal of mixed municipal waste from a domestic property.

All premises producing less than 500 kg of hazardous waste in any 12month period will not have to notify the Environment Agency. If you do produce more than 500kg you must notify the Agency so it can inspect the premises and ensure the waste is being handled properly, protecting the environment and preventing harm to human health.

As part of your waste duty of care you must classify the waste your business produces:

- Before it is collected, disposed or recovered.
- To identify the controls that apply to the movement of waste.
- To complete waste document records.
- To suitably authorise waste management options.
- To prevent harm to people and the environment.

The duty of care applies in England, Wales, Scotland and Northern Ireland.

As of June 1st 2015 the way waste is classified and assessed is changing please see Waste Classification: Guidance on the classification and assessment of waste (WM3) in all the nations.

Changes were made to the Hazardous Waste (England and Wales) Regulations in 2016. The two key changes include:

- hazardous waste producers will no longer need to notify their premises with the Environment Agency
- a change in the unique consignment note code which appears on every consignment note.

The changes apply only to England so premises in Wales will need to continue to register with Natural Resources Wales.

## The Special Waste Amendment (Scotland) Regulations 2004

Set out the procedures to be followed when disposing of, carrying and receiving special waste. Any movement of special waste, known as consignment is subject to the Regulations and must be monitored by its producer, consignor, carrier and consignee. If you produce, transport or dispose of special waste you must comply with the regulations. You do not need to register as a producer of special (hazardous) waste in Scotland. In 2015 the Waste (Meaning of Hazardous Waste and European Waste Catalogue) (Miscellaneous Amendments) (Scotland) Regulations take into account the way in which waste is categorised and assessed as in the Waste Classification above and reflect changes to the European list of waste.

## The Hazardous Waste (Amendment) Regulations (Northern Ireland) 2015

Amends five items of waste legislation to reflect the changes to the European list of wastes. If you produce, transport or receive hazardous waste you must conform to these regulations. They provide an effective system of control of hazardous waste and make sure it is managed from the point of production to its final destinations for disposal or recovery. The regulations apply to those who produce, broker/deal, carry and receive hazardous waste to keep, treat or dispose of it.

## Health and Safety (Display Screen Equipment) Regulations 2002.

These Regulations apply to all display screen equipment (DSE) – computer screens.

The main provisions are as follows;

- Employers must carry out a risk assessment of workstations used by employees in order to reduce any identified risks.
- Employers must ensure that employees take regular and adequate breaks from looking at their screens. (The Compact Law Risk Assessment Form recommends a five-minute break to do alternative work, either at an employee's desk or away from their desk every 30 minutes.)
- Employers must ensure that employees are aware of their entitlement to yearly eye tests, with the cost of the eye test met by the employer in full. A "competent person" must carry out any eye test - this means a qualified optician. It is advisable for an employer to keep written records of who receives free eye tests, the dates and costs of the tests. Most opticians can provide individual reminders every year of when an employee's eye test is due.



- Employers must provide their computer users with adequate health and safety training for any workstation they work at. This entails showing employees how to properly adjust their chairs and desks (if adjustable) and the correct way to sit and work at their workstations.

The main problems encountered in using workstations are:

- Tiredness caused by badly designed or adjusted workstations.
- Repetitive strain injury (RSI) and carpal tunnel syndrome.
- Eye strain leading to headaches, fatigue and sore eyes.

These are all problems that can be prevented by using properly adjusted equipment and having and implementing a proper policy. However, allowing these problems to go uncorrected can easily lead to reduced productivity and increased staff absence due to injury. In serious cases this can (and does) lead to claims against employers.

This is usually a double blow for the employer with loss of productivity leading up to a claim and the costs of defending or settling a claim when it is made.



### Health and Safety (First Aid) Regulations 1981

The arrangements for providing first aid in the workplace are set out in the 1981 regulations. The criteria is that sufficient first-aid personnel and facilities should be available to give immediate assistance to casualties with both common injuries or illness and those likely to arise from specific hazards at work and to call an ambulance or other professional help. In assessing needs, employers should take account of workplace hazards and risks, history of accidents, proximity of emergency medical services and the number of employees. If this assessment is low risk and under 50 employees, it may be sufficient to appoint one person to take charge of first-aid, if over 50 employees one or more persons should be trained in first aid. If medium risk more first-aid persons are required. A first-aid certificate is valid for three years and re-testing of competence must be taken before the expiry date. However, if the certificate is allowed to expire, the individual will have to take a full course of training.

Every work site must have at least one first-aid box supplied with sufficient and appropriate materials (there is no mandatory list but there is guidance). The first-aid box must be green with a white cross. All accidents must be reported in an accident book. The Health and Safety (miscellaneous Amendments) Regulations 2002 added the requirement that first-aid rooms should be easily accessible to stretchers and any other equipment needed to convey patients to and from the room. The room must also be signposted.

In 2013 there was an amendment to these regulations Health and Safety (First Aid) Regulations 2013. These regulations removed the requirement for HSE to approve first aid training and qualifications in order to reduce the burden on businesses of all sizes and in all sectors and to give greater flexibility in the choice of training providers and courses.

### Health and Safety (Safety Signs and Signals) Regulations 1996

This deals with the display and use of safety signs, (hand and acoustic signals and the marking of pipe work) communicating general and specific warnings about hazards and dangers, reminders and prohibitions, matters relating to road traffic in the workplace and fire safety. Whenever there is a risk that has not been avoided or controlled by other means, employers must display a safety sign to indicate the type of hazard.

### Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 was a landmark in workplace health and safety. It defined the general legal responsibilities for employers, employees, the self-employed, those in control of work premises and those supplying equipment and services to workplaces. It established the Health and Safety Commission and the Health and Safety Executive, their general functions and powers. It also dealt with the enforcement of health and safety law, the powers of enforcement officers, the issue of improvement and prohibition notices, and set down the offences. Looking to the future, it provided a legal framework for regulations and approved codes of practice to deal with particular risks and issues as the need emerged. Everyone in the workplace has a duty not to interfere with or misuse anything provided in the interests of health, safety or welfare.

Employers' general duties to employees:

- Provide safe equipment and safe ways of carrying out work tasks.
- Ensure that the use, handling, storage and transport of articles and substances are safe and without health risks.
- Provide information, instruction, training and supervision to ensure health and safety.
- Maintain the workplace, including means of entry and exit, in a safe condition.
- Provide a safe and healthy working environment with adequate facilities and arrangements for employees' welfare.
- Provide for employees a written statement of policy, organisation and arrangements for health and safety (those employing less than five are exempt).

Every work site must have at least one first-aid box supplied with sufficient and appropriate materials (there is no mandatory list but there is guidance).

## Non-employees

Both employers and the self-employed must conduct their undertaking in such a way as to ensure that persons other than employees are not exposed to risks to their health and safety, and are provided with appropriate information.

## Employees' general duties

While at work, employees must take reasonable care for the health and safety of themselves, and of others who may be affected by what they do or do not do. They must co-operate with workplace health and safety requirements.



## Lifting operations and Lifting Equipment Regulations (LOLER) 1998

In general, LOLER requires that any lifting equipment used at work for lifting or lowering loads is:

- Strong and stable enough for particular use.
- Marked to indicate safe working loads.
- Positioned and installed to minimise any risks.
- Used safely, i.e. the work is planned, organised and performed by competent people.
- Subject to ongoing thorough examination and, where appropriate, inspection by competent people.

The Regulations cover a wide range of equipment including, cranes, fork-lift trucks, lifts, hoists, mobile elevating work platforms, and vehicle inspection platform hoists. It also includes lifting accessories such as chains, slings, eyebolts etc. LOLER does not apply to escalators; these are covered by more specific legislation, i.e. the Workplace (Health, Safety and Welfare) Regulations 1992. If an employer allows employees to provide their own lifting equipment, then this also is covered by the Regulations.

If you are an employer or self-employed person providing lifting equipment for use at work, or you have control of the use of lifting equipment, then the Regulations will apply to you. They do not apply if you provide equipment to be used primarily by members of the public, for example, lifts in a shopping centre. However, such circumstances are covered by the Health and Safety at Work Act 1974 (HASAW Act).

While employees do not have duties under LOLER, they do have general duties under the HASAW Act and the Management of Health and Safety at Work Regulations 1999 (MHSWR), for example to take reasonable care of themselves and others who may be affected by their actions and to co-operate with others. The Regulations cover places where the HASAW Act applies – these include factories, offshore installations, agricultural premises, offices, shops, hospitals, hotels, places of entertainment etc.



## Mechanical Lifting Operations

Young people (under 18 years) should not be allowed to use high-risk lifting machinery unless they have the necessary maturity and competence which includes having successfully completed appropriate training.

Examples of high-risk lifting equipment which should not normally be operated by young people include:

- Cranes.
- Construction site hoists.
- Fork-lift trucks.

There may be major risks associated with the use of lifting accessories, for example during 'slinging' and employers are required to assess whether such work is appropriate for young people. Young people may use high-risk lifting machinery during training as long as they are adequately supervised. They should also be supervised after training if considered not sufficiently mature.

These regulations are the same in Northern Ireland Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999.

Lifting equipment includes any equipment used at work for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it.





## The Management of Health and Safety at Work Regulations 1999

This regulation makes clear the requirements for your employer to manage health and safety under the Health and Safety at Work Act.

The main requirement for employers is to carry out risk assessments on tasks and duties within the workplace to establish associated hazards. Employers with five or more employees need to record the findings of their risk assessments.

These regulations are much the same in Northern Ireland and come under the Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 2006.

## Managing Health and Safety in Swimming Pools (HSG179)

The HSG179 guidance document produced by the Health and Safety Executive provides pool operators with support and direction to operate a safe and hygienic environment for swimmers. Public Safety in the swimming pool is covered under the Health and Safety at Work Act 1974 which states that as far as reasonably practicable the public should not be exposed to risks within the environment. To support this The Management of Health and Safety Regulations 1999 requires the pool operator to make a suitable and sufficient assessment of the risks to members of the public. It is the judgement of the pool operator to identify any risks present and implement suitable control measures as many risks cannot be eliminated fully from the swimming environment.

The guidance provides help with managing risks in the following areas of the swimming pool:

- Water condition/quality.
- Adequate chemical treatment system and storage.

- Training for staff.
- Equipment servicing and maintenance.
- System for reporting and dealing with problems.
- Clear signage and pool supervision.

The guidance is intended for pool operators to meet requirements of law, although the guidance itself is not compulsory.

## Manual Handling Operations Regulations 1992



Any workplace operation which requires the application of human effort, with or without mechanical assistance, to transport or support a load, including lifting, putting down, pushing, carrying or moving is covered

by the Manual Handling Operations Regulations 1992. The Regulations seek to prevent injury; sprain or strains to back, lower limb, hand, arm and fingers and the types of injury also include fracture and laceration. The Regulation states that all hazardous manual handling operations should be avoided, so far as is reasonably practicable. Any manual handling operations that cannot be avoided must be assessed and the risk of injury must be reduced.



## New European System for regulating chemical safety Registration, Evaluation and Authorisation of Chemicals - REACH

REACH, will affect most businesses in Europe in one way or another, even those who would normally not consider themselves involved in chemical regulation. REACH is a big change in the way that chemicals are regulated, but it works on principles that are quite easy to understand, and most businesses should be able to fulfil their new duties.

Further details on REACH are available by visiting - [www.hse.gov.uk](http://www.hse.gov.uk) .

## Noise at Work Regulations 1989

In workplaces where noise levels are such that they cause hearing damage or loss - the level of noise must be considered, how long a person is exposed to it and possible cumulative effect of exposure - the employer must make a noise risk assessment and depending on the outcome, must take steps to protect employees. Noise at Work Regulations 1989 require steps to be taken to protect employees. What the regulations define as the first action level, is a daily personal exposure of 85 decibels, for the second action level it is 90.

Also defined is the peak action level, peak sound pressure of 200 pascals. Venues with discos and live bands, when you have to shout to be heard, are likely to fall within scope of the regulations.

The threshold at which action must be taken to reduce exposure to noise is lower from 6th April 2008. Music and entertainment venues were given an extra two years to implement the Control of Noise at Work Regulations 2005, which for other industries came into effect on 6th April 2006. The Control of Noise at Work Regulations (Northern Ireland) 2006 covers much the same areas.



### **Occupiers Liability Act 1957**

Under the Occupiers' Liability Acts 1957 the occupier (e.g. a hotel proprietor) has a duty of care to all those lawfully entering the premises.

They must take reasonable care to ensure that the premises are fit for the purposes for which people are invited or permitted to be there. The 1984 Act alters this situation slightly by specifying the circumstances under which the occupier owes a duty. The Act states that they owe a duty of care to another, not necessarily a lawful visitor, if:

- They are aware of a danger or have reasonable grounds to believe that it exists.
- They know, or should know, that a person might be put at risk.
- The risk is one against which they might reasonably be expected to offer some protection.

So the occupier must take reasonable care to prevent injury from occurring under these circumstances. The occupier may do this by giving warning of the danger concerned, for example by displaying notices or by discouraging people from incurring the risk, for example by erecting fences. This duty does not extend to anyone who willingly accepts the risk of injury.



### **Packaging Responsibility Obligations (Packaging Waste) Regulations 1997**

Metal finishing companies will come under these regulations if their annual throughput of packaging materials exceeds 50 tonnes and their annual turnover is greater than £5 million (£2 million in 2000). The Packaging (Essential Requirements) Regulations 1998 control the amount of hazardous materials used in packaging and specify suitability for recovery by recycling, energy.

All UK companies affected by the legislation are required to register with either a compliance scheme or with the Environment Agency (England and Wales) SPEA (Scotland) Or EHS Northern Ireland.



### **Personal Protective Equipment at Work Regulations 1992 and 2018**

The provision of equipment (such as eye protectors), and clothing which is intended to be worn or held by a person at work, as protection against risks to health and safety is covered by the Personal Protective Equipment at Work Regulations 1992. These regulations do not apply where there are existing comprehensive regulations which require personal protective equipment (PPE), notably the hazardous substances regulations and noise regulations. Generally PPE is a measure of 'last resort'. For example, doing the work by another method, safe systems of work, machine guards etc. should always be considered first. In Northern Ireland these provisions are covered under the Personal Protective Equipment at Work Regulations 1993.

The Personal Protective Equipment Regulations 2002 and the Personal Protective Equipment at Work Regulations 1992 were amended in 2002 and have been replaced by the Personal Protective Equipment (Enforcement) Regulations 2018. The new Regulation now applies to the whole supply chain rather than just manufacturers. Everyone involved in the manufacture, supply and distribution of PPE must ensure their PPE meets with the standard requirements.



### **Pollution Prevention and Control (Scotland) Regulations 2013**

The regulations apply an integrated environmental approach to the regulation of certain industrial activities. This means that emissions to air, water (including dischargers to sewer) and land, plus a range of other environmental effects, must be considered together.

Operators of installations under the PPC regulations must have a permit in order to operate. Permit conditions are set with the aim of achieving a high level of protection for the environment as a whole.

### **Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013**

The Regulations affect industrial activities with a major pollution potential such as:

- Energy industries.
- Production and procession of metals.
- Mineral industry.
- Chemical industry.
- Waste management.
- Rearing of animals.
- Waste incineration activities.
- Solvent emitting activities.
- Titanium dioxide production activities.

Any industrial installation which carries out activities listed must meet certain basic obligations such as preventative measures taken against pollution, ensuring the best available techniques are applied; waste is reduced, recycled or disposed of in the manner which creates least pollution.

### **Provision and Use of Work Equipment Regulations 1998**

The safety aspects of equipment provided for use, or used by an employee at work are dealt with by the Provision and Use of Work Equipment Regulations 1998. The regulations place responsibility for the safety of workplace equipment on anyone who has control over the use of work equipment; the employer, the self-employed, supervisors and managers. Some requirements were reworded and clarified by the Health and Safety (Miscellaneous Amendments) Regulations 2002. Information, instruction and training was also made a required measure to prevent access to any dangerous part of machinery.

The Approved Code of Practice and Guidance L22 puts emphasis on the importance of training and proper supervision of young people because of their relative immaturity and unfamiliarity with the working environment.



### **The Regulatory Reform (Fire Safety Order 2005)**

From October 1st 2006 The Regulatory Reform (Fire Safety) Order 2005 became effective in law.

It is a new regime which will significantly change fire safety law and practice and is the most significant change since the Fire Precautions Act 1971. It will affect both employers and fire authorities.

The main effect will be a general move towards there being greater emphasis placed upon fire prevention. This will be in all premises except domestic premises. The Regulatory Reform (Fire Safety) Order will also include voluntary sector properties as well as work places of self-employed people which are separate from their homes.

The Regulatory Reform (Fire Safety) Order relates to the law of England and Wales. In Northern Ireland and Scotland they will have their own laws regarding these issues. The Fire Safety Regulations (Northern Ireland) 2010 and The Fire Safety (Scotland) Amendment Regulations 2010. These cover 'General Fire Precautions' and other safety issues which are required to be in place to ensure the safety of relevant persons from the risk of fire in and around most premises and make provisions for the aspects in the England and Wales legislation.

The Regulatory Reform (Fire Safety) Order requires precautions be put into place where appropriate and within the defining guidelines of Health and Safety law in Europe and the United Kingdom regarding reasonable practicability. The proposal within The Regulatory Reform (Fire Safety) Order is to consolidate all existing fire safety law and create a new Fire Safety Regime that covers virtually all premises in England and Wales to which the public have access.

If you are the responsible person within a workplace i.e. employer, owner or controller of the workplace then you have a responsibility to comply with The Regulatory Reform (Fire Safety) Order. If there is more than one person who can be identified as being responsible under The Regulatory Reform (Fire Safety) Order then all those persons share responsibility and must take reasonable steps to work together. It is important the competent person is identified.

What must you do if you are responsible under The Regulatory Reform (Fire Safety) Order? You must carry out a Fire Risk Assessment focusing upon the safety of all relevant persons in case of fire. The fire risk assessment must pay specific attention to those at risk, such as disabled persons, as well as considering dangerous substances likely to be on the premises. The fire risk assessment will help to identify for you the risks that can be mitigated against or removed. It will also help you to identify and define the nature and extent of the general fire precautions you need to put into place to protect against fire and the inherent fire risks that remain.

You must, in addition, record the significant findings of the assessment if you employ 5 or more persons. With the responsibility being increasingly transferred from fire authorities to employers, there is concern that some employers may not have sufficient expertise to assess the risk in their premises, which may be an opportunity for the fire service to provide suitable training. However, one concern has already been highlighted. This is that under existing law fire authorities have duty to give advice to employers on fire safety matters and that, under the proposals, fire authorities would be enforcing risk management in the same business they have advised or trained.

To summarise you must:

- Carry out a Fire Risk Assessment to identify the risk from fire.
- Take steps to remove or reduce those risks.
- Meet requirements on the means of escape and firefighting equipment including the maintenance of common fire protection systems.
- Take measures to mitigate the spread of fire.

As of April 2006 Fire certificates will no longer be required and will cease to have any legal status.



## Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

These Regulations revoke and replace the Regulations of 1995. RIDDOR requires employers and others to report deaths, certain types of injury, some occupational diseases and dangerous occurrences that 'arise out of or in connection with work'. Generally, this covers incidents where the work activities, equipment or environment (including how work is carried out, organised or supervised) contributed in some way to the circumstances of the accident.

RIDDOR reports alert enforcing authorities to events and helps them to decide whether to investigate serious incidents. Reports enable HSE or local authorities (the 'enforcing authorities') to identify where and how health and safety risks arise, reveal trends and help target activities.

Some incidents are not reportable under RIDDOR. But this does not mean that the general provisions of the Health and Safety at Work etc Act 1974 ('the HSW Act') do not apply. Depending on the circumstances, the enforcing authority may decide it is appropriate to investigate such incidents. This is more likely to arise where serious management failures have contributed to, or had the potential to cause, death or serious injury.

The following are reportable, if they arise 'out of or in connection with work':

- The death of any person, whether or not they are at work, if it is caused by an accident arising out of or in connection with work. There is no requirement to report the death of a self-employed person on the premises where they are an owner/occupier or an employee if it occurs after one year after the date of the accident.



- Accidents which result in an employee or a self-employed person dying, suffering a specified injury, being absent from work or unable to do their normal duties for more than seven days.
- Accidents which result in a person not at work (e.g. a patient, service user, visitor) suffering an injury and being taken directly to a hospital for treatment, or if the accident happens at a hospital, if they suffer a specified injury.
- An employee or self-employed person has one of the specified occupational diseases or is exposed to carcinogens, mutagens and biological agents.
- Specified dangerous occurrences, which may not result in a reportable injury, but have the potential to do significant harm.
- Gas incidents.

The 'responsible person' has the duty to notify and report. This may be the employer of an injured person, a self-employed person or someone in control of premises where work is carried out. Who the responsible person is depends on the circumstances of the reportable incident.

You must keep records of any reportable injury, disease or dangerous occurrence or three years. This must include:

- The date and method of reporting.
- The date, time and place of the event.
- Personal details of those involved.
- The injury.
- A brief description of the nature of the event or disease.

## Restriction of Hazardous Substances (RoHS) Regulations 2007

This legislation aims to reduce environmental impacts of waste and improve recyclability within electrical and electronic equipment. The regulations ban placing on the EU market, new electrical and electronic equipment containing more than agreed levels of lead, cadmium, mercury, hexavalent chromium and both polybrominated biphenyl and polybrominated diphenyl ether flame retardants.



## Waste (England and Wales) Regulations 2011

These repealed the Environmental Protection (Duty of Care) Regulations 1991 and 2003 and apply the duty of care requirements

brought in by the Environmental Protection Act 1990.

They require that:

- Waste is stored correctly. It must be properly contained.
- It is only collected by registered waste carriers (unless being moved by the waste producer's own vehicles).
- All collections are covered by a valid transfer note that includes a written description of the waste to enable anyone handling it to do so safely and appropriately.
- Records of transfers of waste are kept for at least two years.
- Waste is only taken to an authorised facility that has the necessary waste management licensing. Ignorance of the disposal site is no defence if your waste is found flytipped.

There is a guide produced by Defra that describes the full requirements of Duty of Care in detail.

Northern Ireland's duty of care is contained in the Waste and Contaminated Land (Northern Ireland) Order 1997 this imposes a duty of care on anyone who handles controlled waste (that arises from business premises including recycling). It applies to anyone who imports, produces, collects, carries, keeps, treat or disposes of waste or who as a broker or dealer has control of such waste.

All reasonable steps must be taken to keep waste safe and if you give your waste to someone else you must be sure they are authorised to take it and can deal with it or dispose of it safely. If you are a householder and you are passing your waste onto someone who is not your district council waste collector you must check that person is authorised to take it.

Changes were made in 2016 under hazardous waste regulations.

The two key changes include:

- hazardous waste producers will no longer need to notify their premises with the Environment Agency; and
- a change in the unique consignment note code which appears on every consignment note.



## Waste Electrical and Electronic Equipment (WEEE) Regulations 2014

These Regulations replaced the 2006 Regulations. Every year there are an estimated 2 million tonnes of WEEE items discarded by householders and companies in the UK. WEEE includes most products that have a plug or need a battery. There are ten broad categories of WEEE, namely:

- Large household appliances e.g. fridges, cookers, microwaves, washing machines and dishwashers.
- Small household appliances e.g. vacuum cleaners, irons, toasters and clocks.
- IT and telecommunications equipment e.g. personal computers, copying equipment, telephones and pocket calculators.
- Consumer equipment e.g. radios, televisions, hi-fi equipment, camcorders and musical instruments.
- Lighting equipment e.g. straight and compact fluorescent tubes and high density discharge lamps.
- Electrical and electronic tools e.g. drills, saws, sewing machines and electric lawnmowers.
- Toys, leisure and sports equipment e.g. electric trains, games consoles and running machines.
- Medical devices e.g. (non-infected) dialysis machines, analysers, medical freezers and cardiology equipment.
- Monitoring and control equipment e.g. smoke detectors, thermostats and heating regulators.
- Automatic dispensers e.g. hot drinks dispensers and money dispensers.

As a result of this complex mix of product types and materials some of which are hazardous (including arsenic, cadmium lead, mercury and certain flame retardants). WEE recycling poses a number of health risks that need to be adequately managed and the treatment facilities must comply with requirements laid down in the regulations.

## Water Supply (Water fittings) Regulations 1999

The Regulations were introduced in July 1999 and replaced the Water Supply Byelaws (1989); the purpose of the new Regulations is to prevent waste, misuse, undue consumption and contamination of drinking water supplies. Also, within the general framework are incorporated basic manufacturing and installation requirements for fittings as well as enforcement procedures following any breach or contravention of the Regulations.

Companies should ensure that all water fittings are approved and that any connections to mains water supply are made in accordance with the requirements of the Regulations. The 'Water Regulations Guide' ISBN 0-9539708-0-9 will assist in a review of Legislation affecting water supply installations in the UK.

In Northern Ireland these Regulations are The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 and in Scotland The Water Supply (Water Fittings) (Scotland) Byelaws 2014.

## Work at Height (Amendment) Regulations 2007

The Regulations apply when working at height is necessary and therefore where there is a risk of a fall liable to cause personal injury. They place duties on employers, the self-employed, and any person that controls the work of others (for example facilities managers or building owners who may contract others to work at height).

The Work at Height (Amendment) Regulations 2007 apply to those who work at height providing instruction or leadership to one or more people engaged in caving or climbing by way of sport, recreation, team building or similar activities in Great Britain.

The scope of the Regulations will be extended from January 2019 to cover further categories.



As part of the Regulations, duty holders must ensure:

- All work at height is properly planned and organised.
- Those involved in work at height are competent.
- The risks from work at height are assessed and appropriate work equipment is selected and used.
- The risks from fragile surfaces are properly controlled.
- Equipment for work at height is properly inspected and maintained.

There is a simple hierarchy for managing and selecting equipment for work at height. Duty holders must:

- Avoid work at height where they can.
- Use work equipment or other measures to prevent falls where they cannot avoid working at height.
- Where they cannot eliminate the risk of a fall, use work equipment or other measures to minimise the distance and consequences of a fall should one occur.

The Regulations include schedules giving requirements for existing places of work and means of access for work at height, collective fall prevention (e.g. guardrails and working platforms), collective fall arrest (e.g. nets, airbags etc.), personal fall protection (e.g. work restraints, fall arrest and rope access) and ladders.

These Regulations have not changed but new guidance has been produced as of January 2014 as part of the government's long term economic plan to abolish and improve outdated or over complicated regulations.

Key changes to the guidance include:

- Providing simple advice about do's and don'ts when working at height to ensure people are clear on what the law requires.
- Busting some of the persistent myths about health and safety law, such as the banning of ladders when they can still be used.

- Offering targeted advice to helping businesses in different sectors manage serious risks sensibly and proportionately.
- Helping workers to be clearer about their own responsibilities for working safely.

The 2007 amendments inserted a new special provision in relation to climbing and caving which applies only to those persons at work who are providing instruction or leadership to one or more persons in connection with their engagement in caving or climbing by way of sport, recreation, team building or similar activities



## Young Persons at Work Act

Young persons at work are placed into two categories:

- Young persons who are under the age of 18.
- A child, who has not reached the official age to leave school.

The regulations ensure that employers are providing a safe and healthy working environment. Although many of the requirements under this act are covered by the Health and Safety at Work Act 1974, The Management of Health and Safety Regulations 1999 and The Working Time Regulations 1998, there are some additional requirements for the employer. The employer must assess the risks to a young person who may be completing a job and picture the workplace through the youngster's eyes.

They must consider the:

- Inexperience and immaturity of the young person.
- Equipment they will use. Is it too big for them to use?
- Lack of health and safety awareness, and training needed.
- Lay out of the workplace.

The regulations include restrictions for night working, the entitlement of daily and weekly rest periods and the provision for training. The regulations clearly state that employers may not employ a young person for work beyond their physical or psychological capabilities.

New guidance for these Regulations has been produced as of January 2014 as part of the government's economic plan to abolish and improve outdated or over complicated regulations.