

Management of Health and Safety at Work Regulations 1999

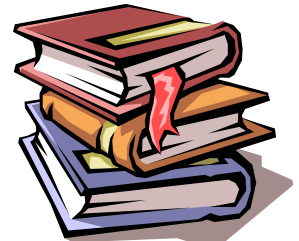




WHAT ARE THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS?

The Management of Health and Safety at Work Regulations (MHSW) were introduced to improve health and safety management in the workplace, while also fleshing out the existing Health and Safety at Work Etc Act 1974. The Regulations set out broad general duties that apply to almost all kinds of work.

The Regulations were originally introduced in 1992, along with 5 other new Regulations, commonly known as "the 6 pack". Over the years the MHSW Regulations have been 'added' to four times as new legal requirements were introduced into UK law, this resulted in a number of amendment Regulation documents being available. These included the New and Expectant Mothers amendment in 1994 and the Young Persons amendment in 1997. Therefore in 1999 a consultative document was published and changes to the Regulations were introduced on 29th December 1999.



The Regulations require employers to carry out detailed assessments of risk and to ensure systems and arrangements are in place to safeguard employees. Employers must also provide adequate and appropriate information to their own employees, the self-employed and employees temporarily working on their premises. This is to allow everyone on their premises to carry out their work in a safe manner.



Carrying out of risk assessments is probably the largest duty placed on employers within these Regulations. They require employers to assess all significant risks within the workplace to their workers and others who may be adversely affected by work activities carried out. A majority of organisations will already have been carrying out assessments of risk, even if they did not believe they were and were not recording them. A common sense approach to preventing dangerous actions is a risk assessment.

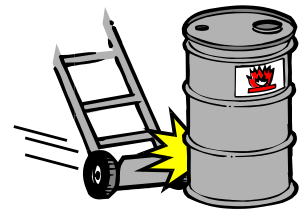
- A **HAZARD** IS SOMETHING WITH THE POTENTIAL TO CAUSE HARM
- A **RISK** IS THE LIKELIHOOD THAT HARM WILL ARISE FROM A HAZARD
- **RISK SEVERITY** IS THE NUMBER OF PEOPLE WHO COULD BE INJURED AND THE AMOUNT OF DAMAGE WHICH COULD BE CAUSED AS A RESULT OF A HAZARD



REGULATIONS EXPLAINED

RISK ASSESSMENT: REGULATION 3

- As an employer you must undertake a systematic general examination of work activities, in other words an assessment of the risks in your workplace.
- If you employ five or more staff you will need to record any significant findings in a written format.
- The risk assessment process to follow is:
 1. Identify hazards present in the workplace
 2. Identify who might be harmed and how
 3. Evaluate the extent of the risk involved
 4. Take into account any existing control measures
 5. Determine any control measures or action necessary to remove or reduce the extent of the risk to the lowest level possible



- The control measures you should take to remove or reduce the level of a risk will be determined by your need to comply with health and safety legislation and your own in-house health and safety aims.
- When carrying out risk assessments you should focus on significant risks likely to cause harm to your employees. Trivial risks can usually be ignored.
- If you intend to carry out your own risk assessments ensure you are familiar with the risks present in your workplace. Trade association information and journals may prove useful.

- Risk assessments need to be reviewed and revised when:
 - they are no longer valid
 - they can be improved
 - changes have occurred in the workplace
 - the nature of the risk determines so



- When assessing and documenting risks found within the workplace ensure you take a practical approach. Involve management and all staff whenever possible.
- Assessing risks should be a straightforward process, with an individual or group using their own judgements. The Regulations do not state what is a high or a low risk, nor do they list categories of activities or practices that constitute a risk. It is the risk assessor's judgement that determines these.



- If you feel you are not familiar with the types of risks likely to be present in your workplace or of the necessary control measures required, specialist advice or assistance may be necessary.
- When completing risk assessments ensure that you take into account all groups of employees, including those who work outside of normal working hours and those groups particularly at risk (young people, pregnant workers etc.)
- It is always the best practice to eliminate the risk altogether, if this is not possible ensure you control the risk at the source rather than attempting to warn employees of the risk and their need to avoid it.
- If possible when reducing levels of risk adapt the working environment of the individual employees, as this may help in avoiding adverse health and safety effects. Another option is to take advantage of changes and developments in technology. A safer model may have replaced a piece of unsafe equipment you have been using for years.
- Always involve employees in the risk assessment process. Talk to them about what they do and what they see as being unsafe. Once the process is complete ensure you discuss your findings with them.

PRINCIPLES OF PREVENTION TO BE APPLIED: REGULATION 4

- You must introduce preventative and protective measures to control risks identified in the workplace.
- There are a number of ways in which you can do this in the workplace. These include:
 - Avoiding the risk;
 - Combating the risk at source rather than introducing measures to make people aware of it;
 - Adapting work practices to the requirements of the individual rather than vice versa;
 - Introducing new techniques or equipment that have occurred due to technological progression;
 - Implementing risk prevention measures as part of company policy and approach;
 - Giving priority to measures which protect the whole workforce;
 - Introducing and maintaining a positive health and safety culture.

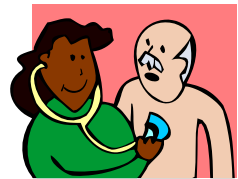


HEALTH AND SAFETY ARRANGEMENTS: REGULATION 5

- You must ensure there are adequate health and safety arrangements in place to protect your workforce. This should form an integral part of business management.
- **Planning:** this is a systematic approach to set priorities and aims within the workplace
- **Organisation:** a certain structure may be necessary within the company to ensure peak health and safety performance
- **Control:** once health and safety aims are set and the structure is in place it will need to be controlled to ensure things are going as planned
- **Monitoring and review:** improvements in health and safety can only be achieved through the development of new policies, improved approaches and up-graded risk control techniques.

HEALTH SURVEILLANCE: REGULATION 6

- Risk assessments will determine situations in which health surveillance must be carried out.
- Health and safety legislation or the actual presence or risk of an identifiable disease /adverse health condition are all reasons for health surveillance to be carried out.
- Health surveillance will further protect the health of employees by detecting adverse health effects at early stages, thus preventing further harm.
- When health surveillance becomes appropriate in the workplace, it should be continued throughout the affected employees' employment, unless the health effects and risk are short-term.
- The appropriate type of health surveillance will be dependent on the risk and circumstances.
- Frequency will depend on general guidance and advice from medical practitioners.





HEALTH AND SAFETY ASSISTANCE: REGULATION 7

- You must ensure that you have adequate access to competent health and safety advice to help you in devising and protecting control measures.
- Competent advice can come from one or two of your own-trained employees or from an outside consultant. Some companies have a combination of both.
- It is important to note that the appointment of health and safety advisors does not absolve the employer of their health and safety duties under legislation.
- You must also ensure that your health and safety advisors are competent to carry out the work assigned to them, and they are given adequate support and assistance by management and other employees.
- Competence can be classified as the understanding of relevant current best practice and legislation, awareness of own limitations, willingness and ability to supplement existing knowledge and experience and relevant skills and qualifications.
- More specialised areas may need additional competence, such as specific knowledge and skills, membership of a professional body and possession of appropriate health and safety qualifications.

PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS: REGULATION 8

- You must establish procedures to be followed by your employees in the event of an emergency situation.
- The main emphasis is for the employees to immediately stop work and move to a safe location.
- Risk assessments carried out within the workplace will identify events that need emergency procedures, i.e., fire, bomb or substance release.
- You may also need assistance from specific employees to assist in evacuating the building safely or to bring the situation under control.
- If the above is the case, employees must be made aware of who these designated employees are and what their role is.
- Emergency procedures should normally be written down and made available to all employees. It is important this





information is given to new employees as part of their induction training.

- To allow employees to familiarise themselves with the procedures to follow in an emergency, regular practice exercises should be carried out.

CONTACTS WITH EXTERNAL SERVICES: REGULATION 9

- You should ensure that any necessary contacts with external services are arranged, particularly as regards to first aid, emergency medical care and rescue work. These arrangements can be as little as having the necessary phone numbers displayed for employees to use.
- Procedures for employees to follow include:
 - Identify the nature of the risk and how to respond to it;
 - Any additional procedure to cover risks beyond those posed by fire or bomb;
 - Additional responsibilities of any employees or groups who perform particular tasks in an emergency;
 - The role, responsibilities and authority of the competent people nominated to implement detailed actions;
 - Any requirements laid on employers by health and safety Regulations which cover specific emergency situations
 - Details of when and how procedures are to be activated in the event of an emergency, so employees have time to get to a place of safety.
- This information should be written down and made available to all employees. It is important that it is also covered during induction training.
- In shared workplaces and premises, you will need to take into account everyone in the building and the arrangements they also have in place.

INFORMATION FOR EMPLOYEES: REGULATION 10

- Risk assessments carried out will identify information that has to be provided to employees.
- Information should cover what is required by health and safety legislation and also on relevant risks found within the workplace. However do not give your employees too much information otherwise it will be overwhelming. Give them enough on what they need to know.



- All information must be presented in a format that is understandable to all employees. Special attention should be made to employees whose first language is not English and those with learning difficulties.
- Where a child is below school leaving age, you must provide the parents/ guardians of the child with information on your risk assessment findings and control measures in place before the child starts work.

CO-OPERATION AND CO-ORDINATION: REGULATION 11

- You not only have a duty to your employees, but also to anyone who may be at risk by your work activities.
- Where activities of different employers are at the same premises there may be a need to co-operate with one another to achieve health and safety compliance. A self-employed contractor carrying out work on your premises would be regarded as sharing your premises under this Regulation.



- The form and type of co-operation and co-ordination is dependent on the circumstances, but all employers involved will have to be satisfied that the arrangements are adequate to protect their workforce.
- You must ensure that your employees and health and safety advisors are aware of the arrangements in place.

PERSONS WORKING IN HOST EMPLOYERS OR SELF-EMPLOYED PERSONS UNDERTAKING: REGULATION 12

- When an employee or self-employed person carries out work for an employer other than their own, they must be provided with information on the risks and arrangements within that workplace.
- You will have to ensure that the information is provided for the other employers' employees.



CAPABILITIES AND TRAINING: REGULATION 13

- When assigning work to employees, you must ensure that the demands do not exceed their abilities to carry out work safely.
- An important way of achieving competence is to provide health and safety training. This not only increases the employees' knowledge but also contributes to the company's health and safety culture.
- Risk assessments will determine the type and level of training needed by all employees including management. The greatest level of training should always be on recruitment of a new employee.
- Further training should be provided for employees who:
 - take on new responsibilities
 - have changes in their work activities or conditions
 - experience changes in work equipment or systems
- It is also important to provide refresher training periodically to ensure continued competence.



EMPLOYEES DUTIES: REGULATION 14

- Section 7 of the Health and Safety at Work Etc Act 1974 requires employees to carry out their work in a safe manner.



- This Regulation extends that duty to ensure that employees inform management of any work situation which might present a risk to their or others health and safety.
- They must also make management aware of any shortcomings in health and safety arrangements even when no immediate danger exists.



TEMPORARY WORKERS: REGULATION 15

- Employees who are employed within a company for a fixed-term contract also need to be made aware of any special qualifications or skills required to carry out their job in a safe manner. They must also be informed whether the job requires health surveillance.
- In regard to temporary workers, it is the temporary workers employer who is responsible for ensuring that they receive adequate health and safety information from their temporary employer.
- It is normal practice that the temp agency and temporary employer will have arrangements in place to ensure that information is passed on to the employee.

PREGNANT AND EXPECTANT MOTHERS: REGULATIONS 16/17/18

- These three sections deal with the need to carry out a written risk assessment on the possible risks pregnant workers may be exposed to at work. It also discusses the need to prevent pregnant workers and her unborn child from being exposed to risks that could damage their well being. If a pregnant worker is exposed to risks they should either be offered alternative work during the pregnancy if possible, or in some cases leave from work on full pay until the risk has been eliminated.
- For more detailed information refer to the 'New and Expectant Mothers' information booklet.

PROTECTION OF YOUNG PERSONS: REGULATION 19

- This section deals with protecting the safety and well being of young persons under 18 years of age. It requires a risk assessment to be carried out for each young worker, to ensure they are not being exposed to any risks that endanger them from lack of experience, training or maturity.
- For more detailed information refer to 'Young People at Work' information booklet.