



LEIA Safety Information Sheet

The Management of Health & Safety at Work Regulations 1999

Prepared by the LEIA Safety and Environment Committee

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SAFETY INFORMATION SHEET

THE MANAGEMENT OF HEALTH & SAFETY AT WORK REGULATIONS 1999

PREAMBLE

This Information Sheet is one of a series produced by the LEIA Safety and Environment Committee on topics relevant to the Lift and Escalator Industry. Whilst every effort has been taken in the production of these sheets, it must be acknowledged that they should be read in conjunction with the relevant legislation, codes of practice etc. They should not be taken as an authoritative interpretation of the law but guidance to it.

INTRODUCTION

The Management of Health and Safety at Work Regulations 1999 (the Management Regulations) as amended by the Management of Health & Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations 2003 generally make more explicit what employers are required to do to manage health and safety under the Health and Safety at Work etc Act (HSW Act). Like the HSW Act, they apply to every work activity.

The main requirement on employers is to carry out a risk assessment. Employers with five or more employees need to record the significant findings of the risk assessment and review it regularly.

There will be some overlap between duties under the Management Regulations, and other Regulations eg COSHH. Where duties overlap, compliance with the specific regulation will normally be sufficient to comply with the more general duties under the Management Regulations. Where the requirements of the Management Regulations go beyond specific regulations, additional measures will be needed to ensure full compliance.

RISK ASSESSMENT

Every employer must make a suitable and sufficient assessment of the risks both to his employees and non – employees. This information must be recorded and reviewed on a regular basis. A separate LEIA Safety Information Sheet: 26 Risk Assessment gives detailed guidance on the risk assessment process.

PRINCIPLES OF PREVENTION

Where there is a need to introduce measures to control risks identified by risk assessment, employers must base their risk control measures on the following principles.

- Avoid risks altogether, change the process
- Evaluate unavoidable risks, adapt the process
- Combat risks at source, design stage
- Adapt the work to the individual, including the workplace
- Take advantage of technical and technological progress

- Replace dangerous situations with less or non-dangerous situations
- Give priority to measures that protect the whole workplace, not just the individual
- Adequate instruction
- The promotion of a positive health and safety culture
- Use of Personal Protective Equipment

HEALTH AND SAFETY ARRANGEMENTS

Arrangements must be made to ensure effective health and safety management, and for it to be integrated within the company's overall management system. The arrangements must be recorded for companies with five or more employees. Typically, arrangements will include clear health and safety policies, designated roles and responsibilities and systems for monitoring and reviewing health and safety procedures and practices.

HEALTH SURVEILLANCE

Whether any necessary health surveillance is required is based on findings from the risk assessment, will involve keeping a check on an individual's health whilst at work. The minimum requirement for health surveillance is the keeping of an individual health record. Example of the different types of work which may require health surveillance include: -

- Welding
- Work with Asbestos
- Use of vibrating tools
- Paint spraying
- Work in noisy environments

HEALTH AND SAFETY ASSISTANCE

Employers must have available to them competent persons who can provide them with information on how to comply with health and safety legislation. Typically, this role would be fulfilled by a suitably qualified safety advisor.

Where there is a suitable competent person in the employer's employment, that person shall be appointed, in preference to an external competent person (usually a consultant)

PROCEDURES FOR SERIOUS AND IMMINENT DANGER; CONTACTS WITH EXTERNAL SERVICES

Procedures must be established to cover all circumstances that can lead to serious or imminent danger, and/or the identification of dangerous areas. Typically, these would be emergency procedures covering fire, and injury accidents.

Competent persons should be nominated to implement the procedures should the eventuality arise which would include contacting with the external emergency services (e.g. fire, ambulance etc).

INFORMATION FOR EMPLOYEES

All employees must be provided, in a form that can be understood by them, of information on hazards in their workplace and measures they must take to protect themselves. This includes information on fire safety and those responsible for dealing with emergency fire situations.

Employers must ensure that if they employ a child (under 16 years of age - including a child on unpaid work experience) that the parents /guardian of that child are informed of any risks to the child's health and safety and any risk controls that have been put in place to protect the child.

CO-OPERATION AND CO-ORDINATION

Where a workplace is shared, either on a temporary or permanent basis, all those involved must co-operate as far as is necessary to comply with all relevant legislation. This includes informing each other of the hazards associated with their particular activities and what controls have been employed to reduce risk. This is of particular importance within the lift industry where typically client's premises are shared temporarily.

SUB-CONTRACTORS

The self-employed and/or the employer of people working in another company's undertaking must be provided with health and safety information relevant to the environment they are working in and the hazards and control measures required.

CAPABILITY AND TRAINING

Before an employee can be given a task, their employer shall take into account the person's capabilities and limitations, with regard to health and safety.

Adequate training should be provided in health and safety matters on recruitment and when there are any new or increased risks to their health and safety e.g.: -

- Employee transferred
- New equipment
- New technology

EMPLOYEES DUTY

The employee must carry out their work in the way they were trained. They should also inform their employer of any work situation that gives rise to risk of their or other's health and safety.

TEMPORARY WORKERS

All persons employed under a fixed term contract, including agency personnel, shall receive from the employer information on the skill needed to carry out the work safely. They will also be included in any health surveillance being carried out for that task.

NEW OR EXPECTANT MOTHERS

Once the employer has been notified by the person concerned, specific risk assessments are to be carried out to avoid risks to any woman and her child who is either a new or expectant mother.

PROTECTION OF YOUNG PERSONS

Employers shall ensure that young persons between the age of 16 – 18 years old are protected from risks to their health and safety which are a consequence of lack of experience, absence of awareness, or existing risks or lack of maturity.

Young persons shall not be employed for work,

- Which is beyond their physical and psychological capacity
- Exposure to hazardous substance
- Where the hazard cannot be recognised owing to lack of experience and training
- Work in extreme temperatures, vibration, and noise

However, this will not prevent the young person from undertaking any of this work as part of their training, providing there is supervision by a competent person and any risk is reduced to the lowest level reasonably practicable. This may include excluding them from certain high-risk areas.

FURTHER INFORMATION

Management of Health & Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations 2003. These Regulations amend the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997. The Regulations make a small number of amendments rectifying minor defects in the Management of Health & Safety at Work Regulations 1999.

HSE Health and Safety Toolbox (online only) for guidance on controlling risks from specific topics:

<http://www.hse.gov.uk/toolbox/index.htm>

Managing for health and safety (HSG 65)

<http://www.hse.gov.uk/pubns/books/hsg65.htm>

What the law says on assessing risk

<https://www.hse.gov.uk/managing/delivering/do/profiling/the-law.htm>

For any clarification of this Safety Information Sheet contact your Safety Advisor or LEIA.