



Six Pack

The Usdaw Guide to the 1992
Health and Safety Regulations



Contents

Introduction to the 'Six Pack'	3
Where the Regulations come from; how to use this Guide.	
Management of Health and Safety at Work Regulations	7
These apply to all workplaces and spell out how the employer should manage health and safety efficiently.	
Manual Handling Operations Regulations	15
These cover all lifting and carrying jobs and specify the factors the employer must consider when trying to reduce handling risks.	
Display Screen Equipment Regulations	23
These apply to equipment such as VDUs and impose duties on the employer to reduce risks from the equipment and the way it is used.	
Workplace (Health, Safety And Welfare) Regulations and Work at Height Regulations	29
These lay down basic standards for a wide range of health and safety and welfare issues in the workplace.	
Provision and Use of Work Equipment Regulations and Lifting Operations and Lifting Equipment Regulations	35
These make the employer responsible for choosing the right equipment and making sure that it is used in a healthy and safe way.	
Personal Protective Equipment Regulations	41
These impose duties on the employer to select appropriate protective equipment where there is no other way of controlling the risk and to make sure it is properly used and maintained.	
Conclusion	45



Introduction to the 'Six Pack'

In January 1993, six Regulations on health and safety at work were introduced. Most of the requirements in these Regulations were not new. They simply spell out in a little more detail what a responsible employer would already have been doing to meet their general duties under the 1974 Health and Safety at Work Act.

Since then there have been some amendments and some newer Regulations have been introduced to cover certain aspects in more detail. This updated Usdaw guide covers the six Regulations that came into force in 1993, along with any amendments, and it also covers a couple of the more recent Regulations.

Together, these Regulations provide the basic framework for the management of health and safety in most workplaces.

This guide provides Usdaw Health and Safety Reps with the information they need to be able to check that these basic rules are being applied in their workplace.

There are other more detailed regulations on work with hazardous substances, noise, major hazards, etc. that will apply to some workplaces where Usdaw members work, but these are not covered in this guide.

If any workplace reps or negotiating officials require further information on the Regulations in the 'Six Pack' or on the way that the Regulations may affect particular health and safety problems, they should contact the Union's Health and Safety Section in the Legal Department at Head Office:

Ushaw Health and Safety Section
The Legal Department
Ushaw Head Office, Voyager Building
2 Furness Quay, Salford Quays
Manchester M50 3XZ

Tel: **0161 413 0927**

email: **H&S@usdaw.org.uk**

web: **www.usdaw.org.uk/healthandsafety**



Where Do the Regulations Come From?

The Regulations covered in this guide were brought in to implement European (EU) Health and Safety Directives. These Directives were introduced by the EU to harmonise health and safety law throughout the European community. Since the original Regulations other EU Directives have been introduced on subjects such as work at height. These have resulted in amendments to the original Regulations or new sets of Regulations.

Trade Union Organisation

Having regulations on health and safety doesn't automatically make work safer and healthier. Regulations are only effective if employers comply with them. HSE research has shown that many small employers fail to get the basics right. Even in the large businesses where most Usdaw members work, local managers may not be fully aware of their legal obligations.

The best way to make sure that Usdaw members are protected by health and safety is to have strong trade union organisation. Usdaw Health and Safety Reps can use their legal functions to inspect workplaces and can work with employers and with union officials to make sure that the law is being followed.

This guide has been produced to give the Health and Safety Reps a summary of the information they need to use the Regulations for the benefit of Usdaw members.

For more detailed advice on the hazards and risks that affect Usdaw members, reps should look at the Hazards section on the Usdaw website or contact the Health and Safety Section in the Legal Department at Head Office:

Usdaw Health and Safety Section
The Legal Department
Usdaw Head Office, Voyager Building
2 Furness Quay, Salford Quays
Manchester M50 3XZ

Tel: **0161 413 0927**
email: **H&S@usdaw.org.uk**
web: **www.usdaw.org.uk/healthandsafety**



How to Use This Guide

The guide gives information on the six Regulations introduced in 1993 as well as any amendments and later Regulations covering the same issues. For each set of Regulations there is a brief summary of the main legal requirements. This is followed by some more detail on the effect of the Regulations in places where Usdaw members work. And there is a checklist of questions for Usdaw Health and Safety Reps to consider.

- The Management of Health and Safety at Work Regulations 1999 are important for all Usdaw members wherever they work because they apply to all workplaces and all hazards.
- The Manual Handling Operations Regulations 1992 are also important because most Usdaw members work in jobs that involve manual handling of loads.
- The Display Screen Equipment Regulations 1992 affect members who work at computer screens, VDUs or CCTV monitors.
- The Workplace (Health, Safety and Welfare) Regulations 1992 cover the basic fabric of the building and basic welfare issues in most workplaces. The Work at Height Regulations 2005 replace the duty in the Workplace Regulations to protect against falls or being hit by a falling object.
- The Provision and Use of Work Equipment Regulations 1998 are the most technically detailed Regulations as they cover things like machinery guarding. The Lifting Operations and Lifting Equipment Regulations impose further duties for control of lifting equipment.
- The Personal Protective Equipment Regulations 1992 cover the provision and use of protective equipment such as safety footwear, gloves, etc.
- Copies of the HSE book for most Regulations – which also includes the Approved Code of Practice and Guidance – can be downloaded free from the HSE website. The web address for each one is at the end of the chapter for that Regulation.

Management of Health and Safety at Work Regulations

These are the most important of all the Regulations in the 'Six Pack':

- They apply to all employers, whatever the work done or the risks involved.
- They spell out how health and safety should be managed systematically and methodically.
- They incorporate the approach to risk management for which trade unions have argued for years.
- They add to the legal rights of trade union Health and Safety Reps.

Risk Assessment

HSE Guidance associated with the Management Regulations explains that risk assessment must be systematic. The first step must be to identify the hazards present and to determine the risks they cause. The employer will need to gather information from their own accident and ill health statistics as well as from the Health and Safety Executive, Trade Associations and other sources, including Usdaw and the TUC.

The assessment must look at the way the work is actually done (which may be different in some cases from the way the employer thinks it is being done). It must cover all employees and all work activities including non-routine jobs such as maintenance and repair of equipment.

It must enable the employer to identify and prioritise the significant risks and decide what to do about them. When deciding what to do the employer should apply the following principles:

- It is best, where possible, to eliminate the risk altogether, eg by not using a dangerous substance or process or by redesigning the way in which work is done.
- It is better to combat risks at source. For example, if a process is dusty, enclosing it or fitting local exhaust ventilation to trap the dust at source is preferable to issuing people with protective equipment.
- Where possible work should be adapted to the individual and not the other way around. The design of the workplace, equipment and working methods should allow maximum flexibility and avoid monotonous work or work at a pre-determined rate, which are major causes of health and safety problems.
- Workers need to be able to understand what they are expected to do.
- Collective measures which provide protection to the whole workplace and all workers should take priority over individual measures.
- A change to the law in 1999 made it clear that the risk assessment should also cover fire safety and fire precautions.

The Employer's Duties Under the Management Regulations

- The employer must assess all significant risks to their employees or to other persons. If there are more than five employees a record of the assessment must be kept. The assessment must also identify preventive or protective measures designed to control the risk.
- The employer must take particular account of risks to new and expectant mothers when assessing risks. If they cannot be protected from the risk by other means, they must be given paid leave for as long as necessary to protect the health of their child or themselves.
- The employer must assess particular risks for young people, taking into account their inexperience, lack of awareness of potential risks and immaturity. If children under minimum school leaving age are employed, the parents must be given details of the risk assessment and control measures.
- The employer must have a suitable H&S management system in place to manage for health and safety – and the HSE recommend the “Plan, Do, Check, Act” approach.
- The employer must appoint as many competent persons as are necessary to ensure compliance with health and safety laws. Competent persons must be given sufficient information, training and resources to enable them to do their job.
- The employer must devise procedures to deal with situations of serious or imminent danger. As part of these emergency procedures, they must nominate competent persons to take charge if evacuation is necessary. They must make sure that access to any danger areas is restricted to those workers who have received appropriate training. They must allow workers to stop work and proceed to a place of safety when faced with a serious or imminent danger. Save for exceptional cases, they must prevent workers from returning to work until the danger is over. They must inform workers exposed to serious or imminent danger of the hazards involved and procedures to follow.
- Where two or more employers share a workplace or where employees of one employer visit another's workplace in the course of their work, the employers must co-operate to ensure that their own staff and others are protected. Similar duties apply where an employer hires agency labour from an employment service.
- The employer must provide comprehensive and relevant training to all employees on health and safety. They must also provide information to workers on the risks involved, the preventive and protective measures, the emergency procedures and the identity of competent persons responsible for health and safety or for evacuation procedures.

Health and Safety Arrangements

Assessment of risks is only the start. Once the problem is identified and measures to control it are devised, the employer must make sure that the measures are implemented and that they are effective. Managing the risk is just as important as the risk assessment, and will require close monitoring by the Usdaw Health and Safety Reps.

Health Surveillance

Where it is appropriate the Regulations require the employer to provide health surveillance of their workers. Health surveillance is not, in itself, a way of preventing risks but it can be an important way of monitoring the situation where a risk cannot be entirely eliminated. It can vary from a fairly simple process – eg training supervisors how to check peoples’ hands if they work with a substance which can cause skin rashes – to more complicated medical tests or examinations by doctors or nurses, eg testing blood or urine samples or examining staff for evidence of upper limb disorders.

If medical surveillance is introduced, the reasons why it is necessary must be explained and the employer will need to make arrangements to ensure medical confidentiality, to allow individual workers access to their own medical records and to take care of individual workers who do develop symptoms of illness or injury.

Competent Persons

The Regulations define a competent person as someone who “has sufficient training and experience or knowledge and other qualities” to enable them to carry out their function. This means the employer could nominate some of their own staff to carry out these duties or could hire outside experts for more complicated problems. Whoever is appointed they must have:

- A good understanding of the principles of risk assessment and prevention.
- A knowledge of the employer’s business and the work employees do.
- An awareness of the limitations of their own ability and when other expert help may be required.

To do their job properly, they must be able to communicate with the workers and with their Health and Safety Reps.

Serious or Imminent Danger

The employer must plan in advance for foreseeable emergencies such as a fire alarm or bomb scare in a shop or leak of a hazardous substance in a factory. The arrangements may sometimes require a full scale evacuation, in which case sufficient people should be nominated and trained so that they can take charge of the evacuation and make sure everyone gets out as safely as possible.

In other cases it may only mean temporarily moving people out of a dangerous area to another part of the workplace.

The procedure must recognise that in some emergency situations workers will need to decide themselves to stop the job and move to a place of safety even if there is no manager or supervisor to issue an instruction to do so at the time.

Staff who are required to enter a danger area, eg to plug a leak or close down a process, will require specialist training.

Information for Employees

The duty on the employer to provide information to employees applies to all employees including temporary staff, trainees and part-time workers.

To be 'comprehensible' the information must be presented in a form which the workers can understand. Special consideration may be needed for people with disabilities or for people who have little or no understanding of English.

Co-operation and Co-ordination

The duties on the employer to co-operate over health and safety where they share workplaces or where workers from one employer visit the premises of another are very important.

They apply where a contractor comes into a workplace to do maintenance or repair work which may give rise

to hazards. They also apply where an employer hires agency workers on a temporary basis to work alongside Usdaw members and to situations where drivers make deliveries to other premises.

They make it clear that both your own employer and the other employers (or self-employed people) share the legal responsibility for your health and safety and must communicate with each other to make sure that you are not put at risk.

New and Expectant Mothers

The Regulations were amended in December 1994 to meet requirements in the European Directive on Pregnant Workers. Employers must do particular risk assessments to make sure there is no significant risk to expectant or breast feeding mothers or to their children. Where there is a problem, the employer should try to remove the risk.

If this cannot be done, they must consider altering working conditions/ working hours or offering suitable alternative work. If this is not possible they must give the woman concerned paid leave for as long as is necessary to protect her health and safety and that of her child.

Risks can be caused by physical hazards (noise, vibration, physical effort, radiation, etc.), biological and chemical hazards or by adverse working conditions.

Young People at Work

A similar change was introduced in 1997 to cover some aspects of the European Directive on Protection of Young People at Work. In the UK children under 13 should not normally be employed in any workplace and there are restrictions on the employment of children between 13 and the minimum school leaving age (MSLA).

The law also requires employers to assess risks for young people under 18 years, taking particular account of their inexperience, lack of awareness of potential hazards and immaturity. The Directive gives a list of agents, processes and work which should be covered (work beyond the young worker's physical or mental capacity, harmful exposure to toxic chemicals, radiation, etc.). Where the risks cannot be adequately controlled young people should not be employed for that work. If children under school leaving age are employed, the employer must make sure that their parents are given details of the risk assessment and the control measures.

Employees' Duties

The Management Regulations are mainly concerned with the duties of the employer. However, they do impose duties on employees to:

- Use equipment materials and procedures provided by the employer in the way that they are trained to do.
- Report any health and safety problems to their employer.

These duties do not detract from the duties on the employer under the Regulations. However, if something dangerous is going on, an employer may try to argue that they did not know about it because it had not been reported or they may say that an individual worker is at fault because they failed to follow the correct procedure.

It is important that members know that they should make a complaint if they spot a hazard or if the employer's procedures are impractical and that they should let their Health and Safety Rep know about the problem.

For example, if products are stored in racking at the back of the store, it is likely that the employer's manual will say that proper steps or ladders should be used for access to higher shelves. If steps or ladders are unavailable or broken, members must resist the temptation to climb up the racking and must make sure that the employer knows that the correct procedure cannot be followed in order to protect their own safety.

Health and Safety Reps' Rights

Under the Safety Representative and Safety Committee Regulations 1977 (SRSC Regulations) trade union Health and Safety Reps already have rights to:

- Investigate potential hazards and accidents.
- Take up members' complaints.
- Inspect the workplace.
- Receive information from the employer.
- Consult with Inspectors of enforcing authorities when they visit.
- Paid time off for training and to carry out their functions.

The Management Regulations amend the SRSC Regulations to add the following:

- Employers have a duty to consult trade union Health and Safety Reps 'in good time' on:

- a) The introduction of any measure at the workplace which may affect the members' health and safety.
- b) The arrangements for appointing/nominating competent persons.
- c) Health and safety information the employer is legally required to provide to members.
- d) The planning and organisation of health and safety training for members.
- e) Health and safety consequences of plans to introduce any new techniques.

The employer must provide such facilities and assistance as Safety Representatives may reasonably require to enable them to carry out their functions under the SRSC Regulations.

Checklist – The Management Regulations

Risk Assessments

- Are they being done?
- What risks/work areas have been covered?
- Are there any hazards/workers which appear to have been missed?
- Do Health and Safety Reps have access to a copy of the record of the assessment?
- Does it detail the preventive and protective measures required?
- Are these control measures practical?

Health and Safety Arrangements

- How does the employer intend to comply with these duties?
- Have they made arrangements to implement the control measures identified in the risk assessments?
- In particular what procedure do they have to monitor and review the control measures?

Health Surveillance

- Are there any health hazards which should be monitored?
- If medical examinations are involved:
 - Who can do it?
 - Is medical confidentiality protected?
 - Do individual members have access to their own medical reports?
 - What happens if someone starts to develop symptoms?

Competent Person

- Who have been nominated/appointed as competent persons:
- For general health and safety compliance?
 - For emergency evacuations?
 - If an outside expert is called in for a particular problem, what arrangements are there for them to consult with Health and Safety Reps?

Serious and Imminent Danger

- What emergency procedures have been devised?
- Do they cover all foreseeable incidents?
- Have the members concerned been informed of the hazards and the procedures to follow?
- In particular, are members allowed to stop the job if they reasonably believe that there is serious and imminent danger and there is no manager/supervisor available?

Training and Information

- What arrangements has the employer made to train staff in health and safety?
- In particular what is done for new starters?
- Are part-time workers, trainees included?
- Is information based on the risk assessments passed on to members?
- Is the training suitable and effective?
- Do any members need different training because of disabilities or language difficulties?

HSE References: Despite objections from unions and health and safety experts, the Approved Code of Practice to the Management Regulations was withdrawn in 2013. HSE guidance on the Regulations can now be found at: www.hse.gov.uk/pubns/books/l23.htm

Manual Handling Operations Regulations

These Regulations are very important for Usdaw members because so many of the jobs they do involve some manual handling.

The Regulations apply to all manual handling tasks, ie tasks which involve transporting or supporting a load by hand or bodily force. This includes not only obvious tasks like lifting heavy boxes but also scanning goods at a check-out, shelf-filling, pushing or pulling roll cages, packing products into boxes etc.



The Regulations do not mention any maximum weight but require employers to consider all the risk factors which might give rise to injury. This so-called 'ergonomic' approach is more complicated but is the only way to tackle problems effectively. Nationally, manual handling causes a third of all reported injuries which keep people off work for more than three days. Often injuries like back pain, hernias or strains can result in permanent disability.

Main Points of the Manual Handling Regulations

When reasonably practicable:

- The employer must avoid the need for workers to do any manual handling task which involves a risk of injury.
- When this cannot be done, the employer must assess the task taking into account the range of risk factors specified in the Regulations.
- The employer must reduce the risk involved to the lowest reasonably practicable level.
- The employer must provide workers with general indications of the risks and where possible, specific information on the weight of each load and the heaviest side of a load with an off-centred centre of gravity.
- Employees must make full and proper use of systems of work provided by the employer.

The Regulations themselves are quite short. However the list of risk factors which have to be considered is longer. Most of the 50 page guidance document produced by the HSE is taken up with explanation of the importance of these risk factors and suggestions for ways to reduce them.

Risk Factors to Be Considered in the Assessment

The Tasks

Do they involve:

- Working with loads at a distance from the trunk?
- Awkward bodily movement or posture, especially:
 - Twisting the trunk?
 - Stooping?
 - Reaching upwards?
- Excessive movement of loads, especially:
 - Large lifting or lowering distances?
 - Long carrying distances?
- Excessive pushing or pulling of loads?
- Risk of sudden movement of loads?
- Frequent or prolonged physical effort?
- Insufficient rest or recovery periods?
- A rate of work imposed by the process?

The Loads

Are they:

- Heavy?
- Bulky or unwieldy?
- Difficult to grasp?

- Unstable, or with contents likely to shift?
- Sharp, wet or otherwise potentially damaging?

The Environment

Are there:

- Space constraints preventing good posture?
- Uneven, slippery or unstable floors?
- Variations in levels of floors or work surfaces?
- Extremes of temperature or humidity?
- Ventilation problems or gusts of wind?
- Poor lighting?

Individual Capacity

Does the job:

- Require unusual strength, height etc?
- Create a hazard to pregnant workers or someone with a health problem?
- Require special information or training?

Other Factors

- Is movement or posture hindered by personal protective equipment or by clothing?

When Do the Regulations Apply?

The Regulations apply whenever any of the risk factors are present. Information from accident and sickness records should help the employer to identify particularly risky operations.

Although the Regulations do not specify any maximum weights, the HSE Guidance does give advice on the weights which are likely to give rise to problems. The guidance makes it clear that these are not 'safe limits' but guidelines on when assessment is likely to be needed assuming that the situation involves fit workers lifting easily held compact loads in ideal conditions.

There may be occasions where workers have to handle heavier loads because there is no other way of doing the job. There will also be occasions where handling of lighter loads still needs to be eliminated or assessed because other risk factors are involved.

Eliminating Risk

This could mean replacing a riskier manual handling task with a safer one, eg making work surfaces level may make it possible to slide loads rather than lift them.

If automation or mechanisation is introduced, it may create new risks for workers who have to feed products into the machine or pack products as they come off the machine. These must also be assessed. Training in the proper use of mechanical aids will be required.

Doing Assessments

Assessments must be systematic. They can be done by the employer's own staff or by outside experts - but the person doing them must understand the work which is done and must be familiar with the requirements of the Regulations and the risk factors involved. They must consult with the workers doing the job and with their Union Health and Safety Reps.

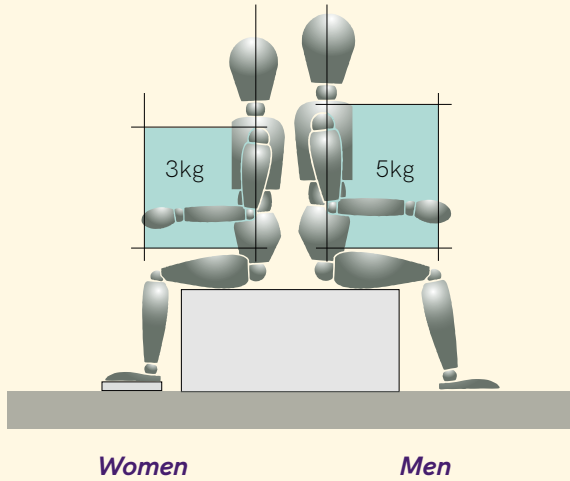
Some workers will carry out manual handling tasks away from the workplace, eg delivery drivers or funeral workers. The employer still has a duty to do what they can to eliminate or reduce the risks. They also share duties under the Management Regulations with the employer in control of the premises visited to co-operate to deal with particular problems.

Handling While Seated

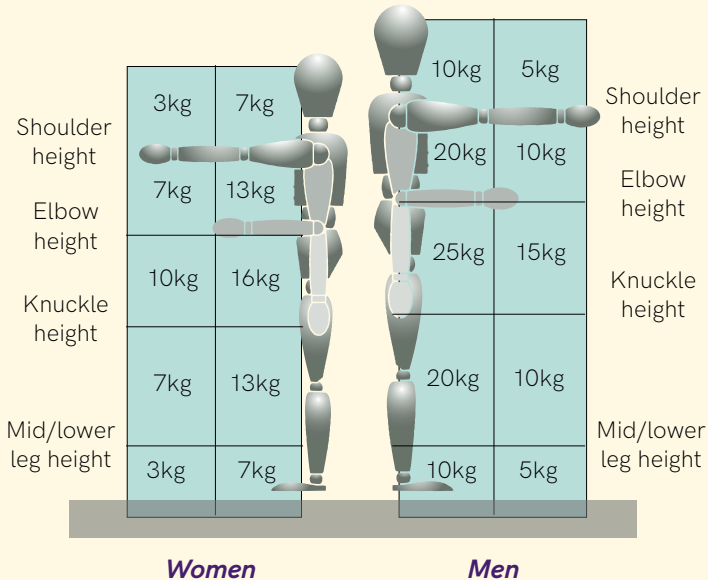
The weight guidelines show that seated workers face particular risks because they cannot use the stronger leg muscles to support the load. This does not mean that sitting is not allowed.

Standing still for long periods can itself put considerable strain on the legs and back. Other regulations still require the employer to provide seating where it is possible to do the job sitting down. Stretching or leaning forward to handle loads away from the body while seated is particularly risky, as is twisting and stooping to handle loads below the height of the work surface.

Handling While Seated



Lifting and Lowering



Team Handling

Some tasks will require two or more people to handle the load. These require particularly careful assessment. If the load has to be carried over rough ground or if stairs have to be negotiated, the load will be unevenly distributed and one handler may be more at risk.

Using Ladders or Steps

The Regulations and guidance make little reference to handling loads while on ladders, steps, kick-stools etc. However they do specify the importance of avoiding stretching or twisting, maintaining a good posture and having a stable working platform. All of these factors will be compromised when working on steps or ladders.

Pushing and Pulling Loads

The guidance contains some basic advice on pushing and pulling of loads such as roll-cages and trolleys.

Reducing the Risk

The assessment itself is only a means to an end. To reduce the risk the employer must make sure that the safer system of work can be adopted and is adopted. The solutions devised must be realistic and practical, eg if a load requires two or more people to handle it safely, the employer must make sure that there are enough workers to make this possible.

Individual Capability

It is generally accepted that the average strength of women is about 60% of the average strength of men. However, there is such a wide overlap between the sexes that there is no point in trying to identify tasks which only men can do. If a load is dangerous for a fit woman to handle, it will be equally dangerous for a large number of men.

There will be certain individuals who are not suited to particular handling jobs and there will be particular jobs which require particular fitness, height or strength. However, in general the employer should design work so that most jobs can be done by most people.

Training and Information

Workers will require training in: the procedures they are expected to use; the particular risk involved; how to adjust their work-station, seating etc.; how to reduce risks; and how to use any mechanical aids provided.

The training must be specific to the job they do. There is no point in showing people how to lift a square box from the floor by bending the knees, keeping the back straight etc., if in practice, this bears no resemblance to the tasks they have to do and the loads they have to handle.

Monitoring and Review

Once assessments have been done and procedures put in place, the employer must continue to monitor the situation to make sure that the procedures are working. The assessment must be re-done if there is reason to believe it is no longer valid or if there is a significant change in the work.

The employer should continually be looking for ways to further reduce the risks involved in manual handling operations.

HSE Tools for Risk Assessment

If the risk filter suggests there may be a risk of injury, the HSE has developed a range of tools to assist more detailed risk assessment.

The Manual Handling Assessment Chart (MAC), Risk Assessment for Pushing and Pulling (RAPP), Assessment of Repetitive Tasks (ART) and Variable-MAC (V-MAC) tools are all freely available at:

www.hse.gov.uk/msd/toolkit.htm



Checklist – Manual Handling Operations

Do the Regulations Apply?

- Make a list of the jobs members do which involve manual handling. Has the employer identified all those tasks which carry a risk of injury?
- Has the employer checked their accident statistics and sickness records to help identify the risky tasks?

Eliminating the Risk

- Has the employer considered what could be done to remove the need for risky manual handling?
- If automation or mechanisation is introduced does it create new risks which need to be assessed?
- Do members have any other ideas for ways in which the risks could be removed?

Assessing the Risks

- Has the employer carried out manual handling assessments?
- Were members and Health and Safety Reps consulted?
- Do Health and Safety Reps have access to the records of the assessments?
- Did the assessments take account of the risk factors listed on page 16?
- Do the assessments accurately describe the way the task is normally done?

Reducing the Risks

- Has the employer introduced safer working practices based on the assessments?
- Do the procedures work in practice?
- Do any of the risk factors listed on page 16 still cause problems?
- Have members been provided with suitable training on the risks, the procedure to follow, use of mechanical aids, etc?
- What arrangements has the employer made to monitor and review the situation?

Individual Capability

- Are there any members who have particular difficulties with manual handling tasks?
- What steps has the employer taken to enable them to do the job safely or to find them alternative employment?
- What arrangements does the employer have to protect female members who become pregnant from manual handling risks?

HSE Reference Book: Manual Handling, L23
Download free-of-charge at:
www.hse.gov.uk/pubns/priced/l23.pdf



Display Screen Equipment Regulations

These Regulations are important to many Usdaw members. They cover most types of display screen equipment (DSE). Members who regularly use VDUs will be affected but there may also be others, eg microfiche users, process workers using computer screens in a control room or members who monitor CCTV screens. With the increased use of computers more will become involved all the time.

Main Points of the DSE Regulations

- The employer must make a risk assessment of all workstations which might be used by DSE 'users' employed by them.
- The employer must reduce risks to the lowest reasonably practicable level.
- Daily work routine of 'users' must be planned so that DSE work is periodically interrupted by rest breaks or other types of work.
- If they wish it, 'users' are entitled to an eye and eyesight test paid for by their employer. The test must be repeated at regular intervals. If it shows that special spectacles or lenses are needed for DSE work, the employer must cover the cost of this as well.
- The employer must provide 'users' with health and safety training on the use of their workstation and with information on the risks and the measures to control those risks.

When Do the Regulations Apply?

The Regulations cover most types of display screen equipment, including computers, process-control screens in factories and CCTV screens.

There are some important exceptions which affect Usdaw members. The Regulations do not apply:

- In driver's cabs (including fork lift truck drivers).
- To portable systems not in prolonged use (such as arm-mounted terminals).
- To calculators or cash registers (checkouts used mainly for money transactions at point of sale).

They apply to the whole 'workstation', which means:

- The display screen equipment and software, including keyboards or other inputting devices.
- Optional accessories added to the DSE.
- Disk drive, telephone, modem, printer, document holder, work chart, desk, or other peripheral equipment.
- The immediate work environment around the DSE.

However, the Regulations only apply where there are staff who are DSE 'users'. A 'user' is an employee who:

"Habitually uses display screen equipment as a significant part of her/his normal work."

This is obviously a very vague definition. The HSE guidance to the Regulations states that a number of criteria must be considered when deciding whether someone is a 'user', eg whether DSE work is an essential part of their job, how long they spend at any time on the machine, etc.

The simplest solution is to assume that any member who works with computers or similar equipment is a 'user' and to ask the employer to justify their decision if they disagree.

Daily Work Routine

The requirement in the Regulations is for "periodic" interruptions to DSE work. This can either be other work which does not involve similar use of the hands and arms or rest breaks away from the workstation. The Regulations and guidance give no precise recommendation on frequency or length of breaks as this will depend on the type of work being done. However, the HSE does give general guidance:

- Breaks should be taken before the onset of fatigue and before productivity reduces.
- Breaks should be included as part of work time.
- Short, frequent breaks are better than occasional longer breaks, eg 5-10 minutes every hour is likely to be better than 15 minutes every two hours.



- Informal breaks are probably better than formal breaks, eg time spent doing other tasks.
- Where possible 'users' should have some discretion and individual control over how they do their jobs and when they take breaks.

Assessing the Risks

As with all risk assessments, the process should be systematic and comprehensive. The likely risks are:

- Postural problems mainly caused by the design of the workstation.
- Visual problems such as sore eyes, headaches caused by glare, poor lighting, etc.
- Stress and fatigue caused by the design of the workstation, intensity of work load, etc., in particular, work-related upper limb disorders (RSI).

Eyes and Eyesight

The test to which 'users' are entitled is a full eye and eyesight test by a qualified optician, or medical practitioner. The decision on the frequency of regular re-testing should be based on the advice of the optician or doctor doing the test.

Some companies offer quick vision screening tests which may help to identify people who need full eye tests. 'Users' may opt to take a screening test if it is offered, but it should be made clear that individual 'users' can insist on full eye and eyesight tests if they want.

The employer liability for the cost of 'corrective appliances', usually spectacles, only applies to 'special' appliances required for DSE use or to special modifications to the 'users' normal spectacles required for DSE work.

Training and Information

The information and training provided should be tailored to the work the 'user' does. It should include a simple description of the risks and the way they can be prevented including:

- The importance of comfortable posture and postural change.
- The use of adjustment of equipment and furniture to reduce stress and fatigue.

- The way to arrange the workstation to ensure good posture, avoid glare, etc.
- The need for regular cleaning and inspection of screens and maintenance of equipment.
- The need to take rest breaks or vary the work activity.

It should also explain the way in which any problems should be communicated to management.

The Basic Legal Requirements

These requirements, which all workstations must meet, are listed in a schedule in the Regulations. They form a useful checklist for assessing workstations.

Equipment:

Use of the equipment must not give rise to risk for the 'users', in particular:

The screen must:

- Display well defined stable characters of adequate size and spacing.
- Adjust for brightness and contrast.
- Swivel and tilt.
- Be on a separate base or adjustable table.
- Be free from reflective glare.

The keyboard must:

- Be tiltable and separate from the screen.
- Have sufficient space in front of it to provide support for the 'users' hands.
- Have matt surfaces to avoid glare.
- Have the keys arranged so that they are easy to use.
- Have durable and legible symbols on keys.

The Desk

- Must be large enough to allow flexibility in placing of equipment.
- Must have a low reflective surface to reduce glare.
- If a document holder is provided, it must be stable and adjustable.

The Chair

- Must be stable.
- Must allow easy movement and a comfortable position.
- Must be adjustable in height.
- The back must be adjustable in height and tilt.
- A foot-rest must be available when required.



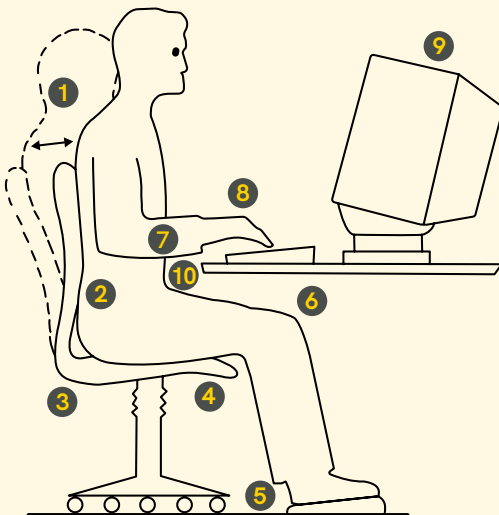
The Environment

- There must be sufficient space to allow the 'user' to change position.
- Lighting must ensure satisfactory illumination and contrast between the screen and background.
- Glare should be avoidable by workstation lay-out.
- Workplace design should ensure that light sources cause no direct glare.
- Windows must be fitted with adjustable covering to reduce glare.
- Noise must be controlled to avoid distraction or disturbance to speech.
- Equipment should not produce excess heat which could cause discomfort to 'users'.
- Radiation (apart from visible light from the screen) should be negligible.
- Humidity should be maintained at an adequate level.

User/Computer Interface

- Software must be suitable, easy to use and adapted to the level of knowledge of the 'user'.
- It should not be used to monitor performance without the knowledge of the 'user'.
- Systems must provide feed-back to the 'user' on the performance of the system.
- Systems must display information in a format and at a pace suitable to the 'user'.
- Principles of software ergonomics must be applied particularly to data processing tasks, ie the design of the software should make the job easier.

Seating and Posture for Typical Office Tasks



- 1 Seat back adjustability.
- 2 Good lumbar support.
- 3 Seat height adjustability.
- 4 No excess pressure on underside of thighs and back of knees.
- 5 Foot support if needed.
- 6 Space for postural change, no obstacles under desk.
- 7 Forearms approximately horizontal.
- 8 Minimal extension, flexion or deviation of wrists.
- 9 Screen height and angle should allow comfortable head position.
- 10 Space in front of keyboard to support hands/wrists during pauses in keying.

Guidelines from the HSE guidance document.

Checklist – The Display Screen Equipment Regulations

Do the Regulations Apply?

- Do members work with computers or similar display screen equipment?
- Does the employer agree that members are 'users' as defined by the Regulations? If not, why not?

Risk Assessment

- Has the employer carried out a systematic assessment of DSE workstations?
- What arrangements does the employer have to monitor the situation to make sure that assessments are valid and are being properly implemented?

Daily Work Routine

- Has the employer arranged the work so that 'users' have periodic breaks?
- Are rest breaks taken away from the workstation?
- Do members have any difficulty in taking breaks, eg because of their workload?
- Do members think that the breaks are adequate or do they find that they still suffer from stress fatigue?

Eyes and Eyesight

- What arrangements has the employer made to provide 'users' with eye and eyesight tests?
- Have all the 'users' who want a test had the opportunity to take one?

- What arrangements have been made to ensure that 'users' are re-tested within the time specified by the optician/doctor?
- If quick vision-screening is offered, is it made clear that individual 'users' can still opt for a full test if they wish?
- Have any members been told that they need special spectacles or to modify their present spectacles for DSE work? If so, has the employer met the cost?

Training and Information

- What arrangements has the employer made to ensure that 'users' receive appropriate information and training about their workstations?
- Does the training include details of the potential risks and the way to avoid them?
- Does the training explain what members should do if they have a problem with their workstation?
- As a result of the training, can members adjust their workstation to achieve the best posture, etc?
- Do members understand the importance of taking breaks or varying their work activity?

Basic Requirements

- If new workstations are installed do they meet the basic requirements listed on pages 25-27?
- Do existing workstations also meet all these requirements?

HSE Reference Book: Work with Display Screen Equipment, L26. Download free-of-charge at: www.hse.gov.uk/pubns/priced/l26.pdf

Workplace (Health, Safety and Welfare) Regulations and Work at Height Regulations

These Regulations lay down minimum legal standards for a wide range of health, safety and welfare issues in the workplace.

Health and Safety Reps do not need to know all the detail of the Regulations. However, from time to time there will be particular health and safety problems in the workplace for which one or more of the legal standards in the Regulations will be important, eg the requirements for floors and for cleaning may be relevant to an area where there is a slip hazard.



This summary will help to identify those situations where these Regulations may have an impact. More detailed advice on the particular standard in the Regulation can then be sought from the employer and from the Union's Health and Safety Section.

Workplace (Health, Safety and Welfare) Regulations

The Regulations impose duties on the employer as regards workplaces under their control.

Maintenance

The workplace and equipment must be maintained in good condition. Where appropriate, there must be a planned system of regular maintenance.

Ventilation

Enclosed workplaces must be provided with fresh or purified air.

Temperature

A reasonable temperature must be maintained inside the building during working hours. Thermometers must be provided for staff to consult.

Lighting

Suitable and sufficient lighting must be provided. Natural light should be used where possible. Emergency lighting must also be provided where necessary.

Cleanliness

The workplace and equipment must be kept clean. Waste should not be allowed to accumulate (except in suitable receptacles).

Space

Room dimensions should provide sufficient floor area, height and unoccupied space for the health, safety and welfare of the staff.

Workstations

Workstations must be suitable for the workers who use them and the work which is done.

Seating

Where work can be done sitting, a suitable seat must be provided for each person doing that work.

Windows

Windows, transparent or translucent doors or walls must be made of a safety material or protected against breakage and must be clearly marked. Opening windows must be safe to use. All windows and skylights must be designed to allow safe cleaning.

Floors

Floors should be suitable and not uneven, holed or slippery. They should be kept free from obstruction or contamination likely to cause slipping. Staircases should normally have a hand-rail.

Traffic Routes

Design must allow safe circulation of pedestrians and vehicles and traffic routes should be clearly indicated.

Doors and Gates

These must be suitably constructed. Devices should be fitted to keep sliding doors on their tracks; to prevent upward opening doors from falling back; to ensure safe operation of powered doors. Doors which can be pushed from either side should have panes to provide a clear view of the space around the door.

Escalators

Escalators and moving walkways shall be safe in use, and fitted with necessary safety devices, including emergency stop controls.

Sanitary Conveniences

Suitable and sufficient toilets shall be provided at readily accessible places. They must be well ventilated and lit and kept clean. A schedule to the Regulations specifies how many are needed, depending on the number of workers.

Washing Facilities

Washing facilities, including showers if needed, with hot and cold water, soap and hygienic means of drying must be provided.

Drinking Water

A supply of drinking water must be provided for all workers at readily accessible places.

Clothing

Accommodation must be provided for storage of a person's own clothing not worn at work; work clothing kept at the workplace; and for changing facilities.

Rest and Meals

Suitable rest facilities must be provided at conveniently accessible places. Pregnant women and nursing mothers must be given suitable facilities. Facilities for eating meals must be provided where meals are normally taken at work.



Ventilation and Temperature

Where mechanical ventilation is needed, the system must be regularly cleaned and inspected. If air is recirculated it must be filtered to remove impurities and mixed with fresh air.

Workers should not be exposed to draughts from windows or ventilation systems.

The Code of Practice attached to the Regulations states that normally 16 degrees Celsius is the minimum reasonable temperature. If work involving severe physical effort is being done, 13 degrees C is the minimum. There is no mention of a maximum reasonable temperature, although there is some guidance on the need to avoid 'uncomfortably high' temperatures.

Experts say that the 'comfort zone' is from 16 degrees C and 24 degrees C. Temperatures above 25 degrees C are likely to be 'uncomfortably high'.

The Code of Practice does mention problems associated with the need to keep certain food products chilled. Some workrooms must themselves be kept cold. However, the general Food Hygiene Regulations only specify maximum temperatures for products, not for workrooms. The employer should do what it can to keep the room temperature as close as practicable to a reasonable temperature, eg by insulating the product; keeping the chilled area as small as possible; restricting the time for which chilled product is exposed to workroom temperature; etc.

Where it is not possible to keep the temperature within reasonable limits the employer must make other arrangements to protect the workers affected, such as suitable protective clothing or rest facilities.

Work at Height Regulations

The Workplace Regulations used to include a duty to protect workers from falling or from being injured by falling objects. In 2005 this was replaced with a separate set of Regulations on work at height. These Regulations are intended to prevent death and injury from falls at work.

Work At Height

The Regulations cover any work where a fall from a height could cause injury. This could include work with a kick stool, steps or ladders as well as the more obvious use of scaffolding, roof work, etc. The main duties are to avoid work at height where possible, to use suitable work equipment to prevent falls where it can't be avoided and to use equipment to minimise the consequences of a fall if it happens.

Training

Workers involved in work at height must be competent or, if being trained, supervised by a competent person.

Traffic Routes

The Code of Practice draws attention to the need to separate pedestrians from vehicle traffic as far as possible. It also mentions risks associated with the reversing of large vehicles and the need to provide exit points from the lower level of loading bays or refuges where people can stand to avoid being crushed by a vehicle.

Equipment

There are detailed schedules covering the use of equipment such as ladders, scaffolding and fall protection equipment. Ladders can be used for low-risk work of short duration but they must be well-maintained and workers must know how to use them safely.

Inspection

Places where work at height is carried out and equipment must be inspected before use.

Fragile Surfaces

Workers should be kept away from fragile surfaces as far as possible. If they have to work on or near a fragile surface other measures should be taken to prevent falls.

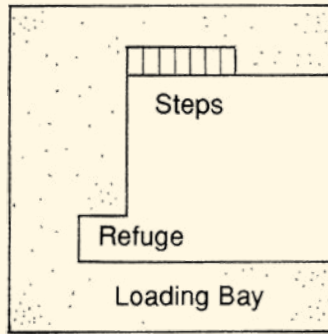
Falling Objects

People must be protected from falling objects. Where possible, objects should be stored in such a way that they cannot fall and injure someone. Where there is a risk of falling objects this should be clearly marked and unauthorised people should be kept clear.

Basic Standards

The basic standards required by these Regulations are important. Most are not new. However, they still do cause problems, eg slips and trips, because of poor flooring, are one of the commonest causes of workplace accidents. Temperature and ventilation problems are also widespread. The basic rules on provision of drinking water and toilets can often be an issue as well.

Loading Bay Area Showing Exit Point (steps) and Refuge Area



Checklist - The Workplace (Health, Safety and Welfare) Regulations

- Does the employer know about these Regulations?
- Do the accident statistics for the workplace identify areas where there may be particular problems, eg a high number of slipping accidents? Are any of the factors listed on pages 29-30 responsible, eg poor flooring, bad lighting?
- Do members think that there are parts of the workplace where standards are worse, eg temperature, lighting, space, cleanliness?
- What does the employer intend to do to bring these areas up to the same standards as the rest of the workplace?
- Are workers happy with the provision of toilets and access to drinking water?
- Are the facilities for preparing and eating meals satisfactory?
- If workers have to work at height are they given the right equipment for the job?
- Are kick stools, ladders, steps or other equipment regularly maintained?
- Are workers protected from injury by falling objects?

HSE Reference Book:

Workplace Health, Safety and Welfare, L24. Download free-of-charge at: www.hse.gov.uk/pubns/priced/l24.pdf

Work at Height, L24. Download free-of-charge at: www.hse.gov.uk/pubns/indg401.pdf



Provision and Use of Work Equipment Regulations and Lifting Operations and Regulations

These Regulations are more complicated both in their content and in the way they should be implemented. However, their basic purpose is to make sure that any work equipment used is suitable for the job and does not cause any health and safety problems.

Many of the most serious workplace accidents arise from poorly maintained equipment or machinery; equipment or machinery being used for the wrong purpose; or inadequate guarding and other protection on machinery.

Fortunately, it should not normally be necessary for Health and Safety Reps to get involved in the technical detail of the Regulations. Provided they understand the broad principles which the employer is expected to follow, they should be able to check that any equipment or machinery provided is being used safely for the correct purpose. Any safety representatives who have a particular problem involving these Regulations should contact the Union's Health and Safety Section for more detailed advice.



Main Points of the Work Equipment Regulations

- The employer must make sure that work equipment is suitable for the purpose intended, taking into account the nature of the work, working conditions and risks in their workplace.
- The employer must ensure that equipment is properly maintained. Where routine maintenance is needed a 'maintenance log' should be kept.
- The employer must provide users of equipment and their supervisors with information, instruction and training on the correct use and on foreseeable abnormal situations which might occur when the equipment is being used.
- Where equipment carries a specific risk, use (and any maintenance, modification or repair) should be restricted to workers with specific training.
- The employer should take measures to prevent access to dangerous parts of machinery and to protect against the ejection of articles and substances (gases, liquids, dusts etc.), overheating, fire or explosion, disintegration of parts of equipment, extreme hot or cold surfaces.
- The employer must ensure that all controls are safe to use and clearly identifiable.
- In particular, start and stop controls, including emergency stops, must be designed to ensure health and safety.
- Where appropriate, it must be possible to isolate machinery from its energy source.
- Where necessary equipment must be stabilised by clamping or other means.
- Adequate lighting must be provided to allow safe use.
- Where necessary, clearly visible markings or other warning devices must be fitted.
- Particular precautions are required to ensure that maintenance operations do not give rise to health and safety risks.
- If a particular piece of equipment is covered by a European Community Directive the employer must ensure that it complies with the requirements of that Directive.

When Do the Regulations Apply?

The Regulations cover all types of machinery, apparatus and tools provided by the employer for use at work, from nuclear reactors to scissors. This includes motor vehicles which are not privately owned.

Where a particular machine is covered by a European Product Directive, the 'essential safety requirements' of that Directive take precedence over the technical requirements in the Regulations. Again, in practice, this should not matter too much to the safety representative.

To establish what these 'essential safety requirements' mean in practice, European standards are being developed for particular types of machinery. Once a standard has been agreed, manufacturers of machines can mark that machine with the letters 'CE' if they comply with the standard. Machines which are marked with 'CE' are taken to meet the basic safety standard when they are bought by the employer.

However, the standardisation process is very complicated. There is a danger that some of the European standards will be weaker than current UK machinery standards, eg as regards guarding of moving parts. This means that, if a piece of equipment is bought by the employer with a 'CE' mark on it, it should not be assumed that it is safe. What is important is that employers are still required to take steps to control significant risks for their workplace equipment and representatives can still highlight their workplace equipment safety concerns.

Now the UK has left the EU, the UK has its own product safety framework and the requirements for placing work equipment and machinery on the UK and EU markets, including arrangements for conformity assessment, marking and labelling have changed. This means that new machines must be UKCA marked, or CE marked and supplied with a Declaration of Conformity and instructions in English. From 1 January 2025, new machinery that is only CE marked will no longer be acceptable in Great Britain. If you need further advice on this issue, the HSE provide useful frequently asked questions:

www.hse.gov.uk/work-equipment-machinery/faq-uk.htm or contact the Health and Safety section at Head Office.

Machinery Standards

The bulk of the technical detail of the Regulations is concerned with the hazards of machinery. It is intended to ensure that operators are not trapped or mangled by the machine or injured by objects or substances flying off from the machine or by contact with extremely hot or cold surfaces. Most of this type of machinery is already covered by previous legislation and by British Standards. Nevertheless accidents do still happen and the new Regulations will give Safety Representatives whose members use machinery an opportunity to ask some important questions.

Dangerous Maintenance

Many of the most serious health and safety problems arise when maintenance or repair work is being done on machinery or equipment.

Equipment which is fairly safe in normal use can give rise to all sorts of different hazards when it is being dismantled for maintenance. The duties on the employer to pay particular attention to risks involved in any maintenance work are particularly important.

Checking the Basics

Fortunately Health and Safety Reps should not normally need to get involved in the technical complexities of these Regulations. The main points are:

- It is the employer's duty to make sure that equipment is suitable. This means it is being used for the correct purpose and can be used safely in that particular workplace. Manufacturers and suppliers are legally required to provide information in the safe normal use of any equipment they sell. Health and Safety Reps are legally entitled to see this information. Along with information from their own employer's risk assessments, they should be able to check that equipment is being used properly.
- Once equipment is in use, the employer must also make sure it is well maintained and that staff are properly trained to use it. Again, Health and Safety Reps can use their legal rights to check that this is being done.
- If any new equipment is to be introduced, the employer has a legal duty to consult with Health and Safety Reps about it under the Management Regulations. As part of

the consultation they should explain what it will be used for and deal with any potential risks from its use.

The Regulations were updated in 1998 to incorporate amendments to the European Directive. As a result a new Approved Code of Practice (ACoP) was added which requires employers to take account of ergonomics when selecting work equipment, to make sure that equipment is erected, installed and dismantled safely and to have inspection by competent persons where the risks justify it.

The main change is the introduction of specific requirements for mobile work equipment. The ACoP requires drivers to be trained and pedestrians to be protected by segregation or by the introduction of traffic rules. The Regulations state that:

- Mobile equipment should only carry people if it is suitable for that purpose.
- If there is a risk of injury from roll-over then suitable roll-over protection should be provided and restraining systems such as seat belts should be used to prevent persons falling out and being crushed.
- Risks of injury for drivers of fork-lift trucks as a result of the truck overturning onto its side also need to be prevented and if necessary restraining systems fitted to protect the driver from being crushed.
- A number of specific points must be met for self-propelled mobile equipment such as adequate braking systems, a facility to prevent unauthorised start-up and lighting if it is to be used in the dark.



Lifting Operations and Lifting Equipment Regulations

These Regulations were introduced in 1998. They cover all sorts of lifting equipment such as cranes, lift trucks, goods and passenger lifts, tail-lifts, mobile elevated working platforms, ropes and slings.

Suitability of Lifting Equipment

Lifting equipment must be suitable for the purpose for which it is used. Ergonomic risks such as working heights, reach distances and use of controls should be taken into account.

Lifting Persons

Equipment intended to lift people should be designed to prevent crushing or trapping injuries and falls. There should be a safe way of freeing people if the carrier gets stuck.

Equipment Marking

Lifting equipment should be clearly marked to show safe working loads.

Organisation of Lifting Operations

Use of lifting equipment should be properly planned and supervised by a competent person. Where possible, people should not work under suspended loads. If this is not possible then a safe system of work should be used to minimise the risk of injury.

Examination and Testing

Lifting equipment should be thoroughly examined before it is first used. Where equipment is liable to wear and tear that might cause danger it must be regularly inspected – at least once every six months for passenger carrying equipment or once every 12 months for other lifting equipment.

Checklist – Provision and Use of Work Equipment Regulations

- | | |
|--|---|
| <ul style="list-style-type: none"> ● Is the employer aware of these Regulations? <input type="checkbox"/> | <ul style="list-style-type: none"> ● Does the employer have systems in place for checking that equipment is functioning properly and is being used for the intended purpose? <input type="checkbox"/> |
| <ul style="list-style-type: none"> ● Has the employer checked to make sure that work equipment is suitable? <input type="checkbox"/> | <ul style="list-style-type: none"> ● What arrangements are there to train members in the safe use of their work equipment? <input type="checkbox"/> |
| <ul style="list-style-type: none"> ● Does the employer have a system for making sure that equipment is properly maintained? <input type="checkbox"/> | <ul style="list-style-type: none"> ● What arrangements are there to ensure that Health and Safety Representatives are consulted in advance before new work equipment is introduced? <input type="checkbox"/> |
| <ul style="list-style-type: none"> ● Do the accident records show particular problems with particular pieces of equipment? <input type="checkbox"/> | <ul style="list-style-type: none"> ● Where lifting equipment is used is it fit for purpose? <input type="checkbox"/> |
| <ul style="list-style-type: none"> ● Are members aware of any equipment which is used for the wrong purpose, inadequately maintained or unsuitable for the job concerned? <input type="checkbox"/> | <ul style="list-style-type: none"> ● Is all lifting equipment regularly maintained and inspected? <input type="checkbox"/> |
| <ul style="list-style-type: none"> ● If members are involved in maintenance and the cleaning and repair of equipment, has the employer identified the specific risks and precautions involved? <input type="checkbox"/> | <p>HSE Reference Book:
 Safe use of Work Equipment, L22
 Download free-of-charge at:
 www.hse.gov.uk/pubns/priced/l22.pdf</p> <p>Safe use of Lifting Equipment L113
 Download free-of-charge at:
 www.hse.gov.uk/pubns/priced/l113.pdf</p> |

Personal Protective Equipment Regulations

Under the Management of Health and Safety Regulations, the employer is required to eliminate hazards or control them at source where this can be done. However, there will be situations where the only realistic solution is personal protection. Examples for Usdaw members include safety footwear for factory or warehouse workers, thermal clothing for cold store workers and chain mail gloves and aprons for meat workers. Although protective equipment is a last resort, these Regulations are very important.

When Do the Regulations Apply?

The Regulations themselves make it clear that PPE should only be provided as a last resort when there is no better way of controlling the risk. The Regulations do not supersede the PPE requirements in the Noise at Work Regulations or the Control of Substances Hazardous to Health Regulations but are designed to be complementary to them.

The employer's risk assessments should identify when PPE is needed and should specify the type of PPE required.

The Regulations only apply to PPE provided to protect the health and safety of the worker, eg safety shoes, goggles, gloves, wet weather wear. They do not cover uniforms, ordinary working clothes or protective clothes provided for food handlers for food hygiene purposes, unless such items also perform a health and safety function.

Suitability

To be suitable, PPE must not only provide the required protection it must also be possible for the workers to do their job while wearing it. It must therefore be designed with the user in mind and a range of different sizes or types will have to be provided to make sure that it fits the needs of individual workers.

As with other work equipment, European Directives and European standards are being established for PPE. PPE which meets these European standards will carry the 'CE' mark. PPE with the 'CE' mark should be of a good standard. However, the employer will still need to check that it is suitable for their particular situation and the particular workers who are expected to wear it.

Paying for PPE

Section 9 of the Health and Safety at Work Act prevents the employer from charging for anything supplied as a requirement of health and safety legislation. This means that any PPE required under these Regulations must be provided free of charge.

In many workplaces, it used to be common practice for workers to pay some or all of the cost of PPE, particularly safety footwear. If the risk assessment shows that the PPE is necessary and therefore required under the PPE Regulations it must be provided free of charge.

Main Points of the Personal Protective Equipment (PPE) Regulations

Provision

The employer must provide suitable PPE when the risk cannot be controlled by other means.

Suitable

To be suitable PPE must be appropriate to the risks involved and the work done. It must take account of ergonomic factors and the state of health of the user and must fit the user. It must comply with relevant European Community Directives where they apply.

Compatibility

Where more than one item of PPE has to be worn, they must be compatible and effective when worn together.

Assessment

Before buying any PPE the employer must do a risk assessment to identify the risks which cannot be controlled by other means and to make sure that the PPE protects against those risks.

Maintenance

The employer must ensure that PPE is maintained in good repair and cleaned or replaced as often as necessary.

Accommodation

The employer must provide storage for protective equipment when it is not in use.

Training

The employer must provide staff with information, instruction and training on the risks the PPE is intended to avoid, the use of the PPE and steps the employees are expected to take to maintain the PPE.

Use

The employer must take steps to ensure that PPE provided is properly used.

Employees' Duties

Employees must use PPE as directed and must report any loss or obvious defect to the employer.

Employees' Duties

Employees have a legal duty to wear PPE where it is necessary. The training and information provided by the employer should explain this and should also make it clear why the PPE is required.

Employees also have a legal duty to report any loss of PPE or any defects in their PPE to the employer. Again, the training provided should explain how this is to be done.

If members refuse to wear PPE where it is required, the Health and Safety Rep will need to investigate to find out why. If it is because the PPE is too uncomfortable, then it is unlikely to be 'suitable' as required by the Regulations and the employer may have to find an alternative. If it is because members do not see why the PPE is necessary, then the employer may be failing in their duty to train workers about the risk.



Checklist – Personal Protective Equipment Regulations

If PPE is provided:

- Has the employer done an assessment to identify the risks and the type of PPE needed?
- Is there no other way the risk can be prevented without having to use PPE?
- Do Health and Safety Reps have access to the written record of the assessment?
- Does the PPE provided protect members against the risk?
- Do members find the PPE too uncomfortable?
- Are there any members who have particular difficulties because the PPE provided does not fit them?
- What arrangements does the employer have to review the use of PPE?
- What arrangements does the employer have to inspect PPE, maintain and clean it and replace it when necessary?
- Does the employer provide suitable accommodation for the storage of PPE?
- What arrangements has the employer made to train members expected to use PPE about:
 - The reasons why it is needed?
 - The correct way it should be used?
 - Arrangements for storage, cleaning, maintenance and replacement?
 - Procedure to follow if it becomes damaged or lost?

HSE Reference Book:

Personal Protective Equipment at Work, L25

Download free-of-charge at:

www.hse.gov.uk/pubns/priced/l25.pdf

Conclusion

These summaries show that the Six Pack Regulations are basically intended to ensure that the employer adopts a systematic and effective approach to the management of health and safety.

The Health and Safety Executive (HSE) has calculated that nearly 40 million working days are lost because of workplace accidents and ill-health. The total cost to the economy has been estimated to be nearly £30 billion.



Three quarters of the 40 million days lost are due to ill-health – particularly common conditions like back pain and RSI. Compliance with the Six Pack Regulations would make a big dent in these figures.

HSE research has also shown that failure to manage health and safety is the main cause of 80% of accidents.

Effective Health and Safety Management

Apart from their legal responsibilities towards their staff and other people under the Health and Safety at Work Act, there are other reasons for the employer to get health and safety right:

- Healthy workers who know that the employer is genuinely concerned for their welfare and safety will be more productive and efficient.
- Recent Government research has shown that the 'hidden' costs of accidents have previously been greatly underestimated. Adding up the loss of business, the cost of repairing or replacing equipment, the hiring and training of extra staff to cover for the injured person, etc. shows that accidents are very costly to the employer as well as the victim.
- The costs of illness or disease caused by unhealthy working conditions are less obvious but given the much higher incidence of work-related illness, they will be much greater.

The Regulations Are Necessary

Some people have complained that there is too much health and safety law and much of it is not necessary. Over the years Governments have looked repeatedly at burdens to business and reducing red tape. The Six Pack Regulations have frequently featured in these reviews. The Health and Safety Executive (HSE) has looked very carefully at how the laws might be simplified and how to make basic health and safety duties easier to understand. However the laws themselves have generally been recognised as necessary.

The Health and Safety Executive (HSE) have highlighted in their annual workplace statistics for many years that workplace health and accidents are significant. These regulations are important for helping ensure that employers conduct risk assessments and deal with some of the common issues our members face such as manual handling.

Further Information and Advice

In order to keep this guidance to a manageable length it has not been possible to go into great detail on some of the more technical requirements of the Regulations. The Guidance focuses on the main duties the Regulations contain and what they will mean for Health and Safety Reps in their workplaces.

If any full-time officials or Health and Safety Reps need more detailed guidance on particular aspects of the Regulations, they should contact the Union's Health and Safety Section in the Legal Department at Head Office.

Usdaw Health and Safety Section
The Legal Department
Usdaw Head Office, Voyager Building
2 Furness Quay, Salford Quays
Manchester M50 3XZ

Tel: **0161 413 0927**
email: **H&S@usdaw.org.uk**
web: **www.usdaw.org.uk/healthandsafety**



www.usdaw.org.uk

UsdawUnion



Six Pack Guide February 2024
Stock photography, posed by models

