

## **WORKING SAFELY AT HEIGHT**



## **LEGAL REQUIREMENTS & GUIDANCE**

## **WORKING SAFELY AT HEIGHT – LEGAL REQUIREMENTS AND GUIDANCE**

The following legislation, standards and guidance have been taken into account when assessing the individual needs and then recommending and installing the product solution.

- Health & Safety at Work etc. Act 1974
- Workplace (Health, Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992 (as amended)
- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Work at Height Regulations 2005
- Construction (Design and Management) Regulations 2007
- Corporate Manslaughter and Corporate Homicide Act 2007
- BS EN 365:2004 Personal Protective Equipment Against Falls from a Height
- BS 8437:2005 Code of Practice for Selection, Use and Maintenance of Personal Protection Systems and Equipment for use in the Workplace
- HSG/33 Health and Safety in Roofwork

The first priority must always be to “design out” the need to work at height. If this is not possible then the next requirement is to provide a collective or non user participant solution or, if this is not practical, to provide personal or user participant solutions. Failing that, the final measure is to provide demarcation for the area at a suitable distance – at least 2m from the edge where the work is being carried out.

Naturally other factors will also affect the final product solution; these may include:

- Frequency of access and duration. (Carrying out an activity twice a year is frequent)
- Risk Assessments (Statistically there are far more reported injuries to workers below 2m in height than above)
- Minimum height consideration
- Pendulum effect
- Buildings structure
- Planning issues

To follow is an overview of the key areas of legislation and standards which relate to working at height. More detailed information on the following can be found at [www.safesite.co.uk](http://www.safesite.co.uk), under the **Download** section.

## LEGISLATION

### **HEALTH & SAFETY AT WORK ETC. ACT 1974**

The Health & Safety at Work etc Act is an “Enabling Act” which allows the Secretary of State to make further Regulations without the need to return to Parliament. The Act imposes a duty of care on everyone at work related to their roles. This includes employers, employees, owners, occupiers, designers, suppliers, manufacturers and the self employed.

Key sections include:

**Section 2:** concerns the main duty of employers to ensure the health, safety and welfare at work of employees by providing a written health and safety policy, safe plant and systems of work and to provide information, training and supervision.

**Section: 3-4:** details an employer’s duty to ensure that people not in their employment (e.g contractors, sub-contractors, general public) are not exposed to risks to their health & safety. There is also a general provision for monitoring both employees and persons not in their employment to ensure compliance through method statements, risk assessments and general health & safety policies a specific activity.

**Section 37:** covers the personal liability of Directors. If an offence is committed by a corporate body or can be attributed to the neglect of a director or other senior officer of that corporate body, both the corporate body and the person are liable to prosecution.

### **WORKPLACE (HEALTH, SAFETY AND WELFARE) REGULATIONS 1992**

**Regulation 5: Maintenance** – stipulates that the workplace and any equipment, devices and systems must be maintained in efficient working order. This includes guardrails, equipment for window cleaning and anchorage points/systems for safety harnesses.

As a general recommendation, Safesite advises annual inspection and certification of all guardrails, fall arrest and restraint systems as well as fabricated steelwork as we have found that these products are often tampered with by other trades, leaving them unsafe to use.

**Regulation 16: Windows** – requires that windows and skylights are designed so that they can be cleaned safely and that account should be taken of any equipment used in conjunction with the window or skylight or of devices fitted to the building.

This may include the fitting of access equipment or providing ‘suitable conditions’ for the future use of mobile access equipment, including ladders up to 9m long. Adequate access and a firm and level surface on which to stand any equipment must be considered. Where a ladder over 6m long will be needed, suitable points for tying or fixing the ladder should be provided. Also suitable and suitably placed anchorage points for safety harnesses should be provided. For further information refer to BS 8213 Part 1 2004 Windows, doors and roof lights.

### **PERSONAL PROTECTIVE EQUIPMENT AT WORK REGULATIONS 1992 (AS AMENDED)**

The main requirement of this Regulation is that personal protective equipment (PPE) is supplied and used at work wherever there are risks to health and safety that cannot be adequately controlled in other ways.

**Regulation 4:** PPE should always be regarded as the 'last resort' to protect against risks to safety and health. If the risks cannot be controlled by other means then employees must provide appropriate PPE and training in its usage.

**Regulation 5:** Where more than one item of PPE is being used simultaneously, the different items must be compatible with each other and adequately control the risks against which they are provided to protect.

**Regulation 7:** Provision must be made for the maintenance, cleaning and replacement of equipment.

**Regulation 9:** Employers must provide information, instruction and training on the risks, use, maintenance, cleaning and replacement of equipment.

### **PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998**

PUWER (Provision and Use of Work Equipment Regulations 1998) requires that the risks to people's health from the equipment they use at work is prevented or controlled.

**Regulations 5 & 6:** Work equipment must be maintained in a safe condition and inspected regularly to ensure that it continues to be safe for use. Inspections must be recorded and carried out by a competent person and records kept.

These regulations build on the general duty of the Health and Safety at Work etc. Act 1974 which requires work equipment to be maintained so that it is safe for use. Safesite recommends that for work at height equipment, inspection should include, where appropriate, visual, functional checks and testing.

**Regulations 8 & 9:** all those using the equipment must have adequate training, instruction and information.

These regulations build on the Health and Safety at Work Etc Act 1974 to provide employees with the information and instructions that are necessary to ensure their health and safety. They also link to the Management Regulations which require provision of health and safety information to employees.

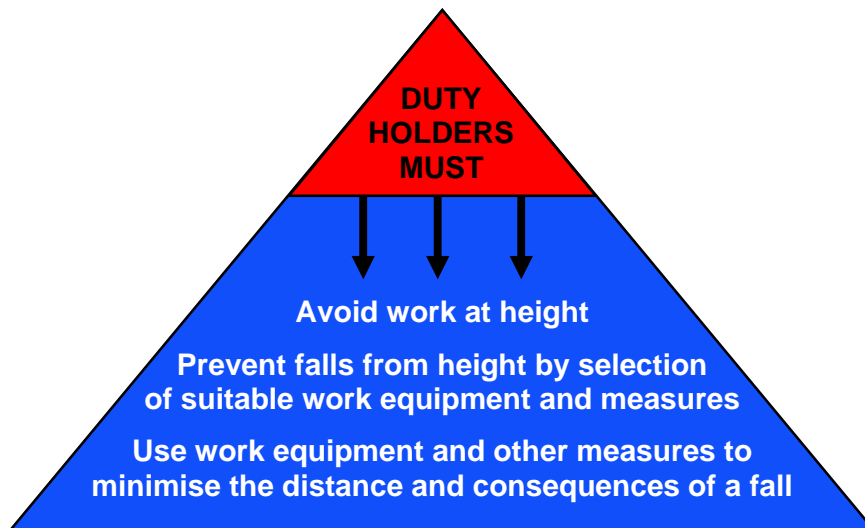
### **MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999**

**Regulation 3:** Requires all employers and the self-employed to assess the risks to workers and any others who may be affected by work on their premises.

## WORK AT HEIGHT REGULATIONS 2005

The Regulations apply to virtually all industrial sectors and relate all work at height where there is a risk of a fall liable to cause injury and place a duty on employers, the self-employed and any person who controls the work of others to do all that is reasonably practicable to prevent anyone from falling.

**Regulation 6:** sets out a simple hierarchy for managing and selecting equipment for work at height:



**Regulations 4 and 6(1, 2):** cover the important area of planning. All work at height must be properly planned, supervised and carried out in a safe manner. Regulation 3 of the Management of Health and Safety at Work Regulations must be taken into account when planning for the work, as must planning for emergencies and rescue.

**Regulations 5 and 6(5)(b):** All those working at height must be competent and be trained on how to avoid falling, to minimise or avoid injury should they fall as well as how to use relevant equipment.

**Regulation 8:** covers the requirements for collective safeguards for arresting falls and stipulates that a sufficient number of available people must have received training specific to the safeguard, including rescue procedures.

## **CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007**

The Construction (Design and Management) Regulations 2007 (CDM2007) came into force on 6<sup>th</sup> April 2007 and bring together CDM 1994 and the Construction (Health, Safety and Welfare) (CHSW) Regulations 1996 into a single regulatory package.

The key aim of CDM2007 is to integrate health and safety into the management of a project and to encourage everyone involved to work together to:

- Improve the planning and management of projects from the very beginning
- Identify hazards early on so that they can be eliminated or reduced at the design or planning stage and any remaining risks can be properly managed
- Target effort where it can do the most good in terms of health & safety
- Discourage unnecessary bureaucracy

The new CDM 2007 Regulations are divided into 5 parts:

- Part 1 deals with the application of the Regulations and definitions.
- Part 2 covers general management duties which apply to all construction projects, including those that are non-identifiable
- Part 3 sets out additional management duties on notifiable projects. In other words those lasting more than 30 days, or involving more than 500 person days of construction work.
- Part 4 contains practical requirements that apply to all construction sites.
- Part 5 contains the transitional arrangements, cancellations and amendments.

## **CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE ACT 2007**

This Act sets out a new offence for convicting an organisation where a gross failure results in a person's death, making it easier to prosecute companies, corporate bodies, partnerships, local authorities, trade unions and government departments who fail to protect people.

Courts will now consider how a fatal activity was managed or organised throughout the organisation, including any systems and processes for managing safety and how these were operated in practice.

If found guilty an organisation can expect to face unlimited fines and be given a remedial order whereby the judge specified exactly what measures the employer must take to ensure that future fatalities do not occur.

In addition a publicity order can be issued where the company will be required to publicise details of the conviction including the offence, amount of fine and terms of the remedial order.

**STANDARDS AND GUIDANCE**

**BS EN 365:2004 PERSONAL PROTECTIVE EQUIPMENT AGAINST FALLS FROM A HEIGHT**

This standard sets out the requirements for the use, maintenance, examination, repair, marking and packaging of PPE equipment.

Systems or components, should be examined at least every 12 months, or when specified by the manufacturer, by a competent person.

Safesite recommends that all equipment such as vertical and horizontal lifeline systems, track systems, eyebolt, anchorage systems, guardrails and restraint systems are re-certified annually as specified in this standard.

**BS 8437:2005 CODE OF PRACTICE FOR SELECTION, USE AND MAINTENANCE OF PERSONAL PROTECTION SYSTEMS AND EQUIPMENT FOR USE IN THE WORKPLACE**

This standard is relevant to employers, employees and the self-employed who use personal fall protection systems and equipment. In addition to guidance and recommendations on the selection, use and maintenance of the equipment, guidance is also given on rescue of people working at height should an accident occur.

When selecting work equipment/methods it is essential that you are able to justify why the equipment/method has been chosen. This means being able to demonstrate why safer alternatives required by the hierarchy have been ruled out.

The following table outlines this selection process.

SELECTION PRIORITY	EQUIPMENT CATEGORY	COLLECTIVE MEASURES	PERSONAL MEASURES
<p>HIGHEST</p> <p>LOWEST</p>	Work equipment which prevents a fall	Protected platforms Guardrails Barriers Multi-user MEWPs	Personal fall prevention & fall restraint systems, single-user MEWPs
	Work equipment which minimises the height & consequences of a fall	High level safety nets & soft landing systems (rigged close to the work)	Other personal fall protection equipment and fall arrest systems
	Work equipment which minimises the consequences of a fall	Low level safety nets & soft landing systems	Other injury prevention systems (inflatable jackets & life jackets)
	Work equipment which does neither (eg ladders, stepladders, trestles)	Instruction, supervision & training of users to minimise the risk of them suffering a fall	

**SOURCE: BS 8437:2005**

## **HSG33 HEALTH AND SAFETY IN ROOFWORK**

HSG 33 addresses the main problems associated with falls from height including falls through fragile materials and from unprotected roof edges. The guidance is aimed at anyone planning, arranging or supervising roof work or work on roofs and covers new buildings, repair, maintenance, cleaning work and demolition.

The aim of the guidance is to promote roof safety by helping to identify the main cause of accidents and ill health and explaining how to eliminate the risks associated with roofwork.

Key additions to the Guidance include:

### **Competency**

When employing a company to carry out any form of roofwork it is essential that the company and its workers are competent. Competency includes:

- Knowledge of the work being undertaken
- Experience of the latest techniques, standards and materials so that the work can be carried out safely. This would ideally be through membership to a relevant trade organisation so that they are updated regularly on changes to legislation and standards.
- Training or accreditation by a recognised training body. Training should include safe working practices as well as health and safety issues relating to their work such as COSHH, asbestos, manual handling, risk assessments, work at height and work at height rescue.

### **Rescue procedures**

Rescue of a person or people must be planned for under the Work at Height Regulations 2005. The proposed method must be proportionate to the risk and may include simple measures such as using a MEWP or ladder to reach the victim, or simply lowering them to safety. This is the preferred option as it overcomes manual handling issues, but whatever method is chosen it is essential that all those who are likely to be involved are fully trained.

Once the rescue has been completed, the casualty should be laid down and standard first aid guidance for the post recovery of a semi conscious or unconscious person should then be followed by a competent first aider.

If a conscious casualty can not be released immediately from a suspended position, their legs should be elevated by either the rescuer or casualty themselves, to help suspension tolerance.

### **Training and competence of roof workers**

All those working on a roof need to have the appropriate knowledge, skills and experience to carry out the work safely and competently. Those who are training or less experienced will require supervision by a competent person.

Competency is an ongoing process which is developed through work experience and regular training. Workers must be trained in all health and safety issues specific to their trade, including the risks they might encounter such as asbestos or fragile materials.



Training for roof workers should ideally include the relevant health and safety disciplines including Work at Height (covering the regulations, risk assessments, selection of work equipment and rescue training), PPE, ladders, MEWPs and PASMA in addition to more specialist areas such as first aid, asbestos awareness, COSHH, risk assessor and fire safety.

Rescue training must be provided for people who are likely to be involved with a rescue. Initial training should be carried out by the supplier of the rescue system and should include a simulated exercise to assess the trainee's competence. Refresher training must be carried out every six months and should include an assessment of competence by carrying out a simulated rescue.