

# Management of Health and Safety

The Management of Health and Safety at Work Regulations 2002 (MHSW Regs) set out general duties which apply to almost all work activities. They are aimed mainly at improving health and safety management and can be seen as a way of making more explicit what is required of employers under the HSW Act. Their main provisions are designed to encourage a more systematic approach to dealing with health and safety.

## Employers' duties

In effect the MHSW Regs set out employers' duties to manage health and safety. Employers are required to:

### Reg 3 – Risk assessment

Assess the risks to the health and safety of employees and of anyone else who may be affected by the work activity. This is so that the necessary preventative and protective measures can be identified. Employers with five or more employees must record the significant findings of the assessment

### Reg 4 – Principles of prevention

In deciding upon preventive and protective measures employers must apply the following principles:

- if possible avoid a risk altogether
- combat risks at source
- where possible, adapt work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working and production methods
- take advantage of technological and technical progress
- ensure risk prevention measures form part of a coherent policy and approach to progressively reduce risks
- give priority to those measures which protect the whole workforce, i.e. give collective measures priority over individual measures
- ensure workers understand what they need to do
- ensure the avoidance, prevention and reduction of risks is an accepted part of the approach and attitude at all levels, and in all activities, of the organisation.

### Reg 5 – Health and safety arrangements

Make arrangements for putting into practice the health and safety measures that follow from the risk assessment. These will have to cover planning, organisation, control monitoring and review, and, again, where they have five or more employees, employers must record these arrangements.

### Reg 6 – Health surveillance

Provide appropriate health surveillance for employees where the risk assessment shows it to be necessary.

### Reg 7 – Health and safety assistance

Appoint competent people to help devise and apply the measures needed to comply with employers' duties under health and safety law. Employers should use competent

employees, where they exist, in preference to external sources, for competent advice and assistance.

### Reg 8 – Serious and imminent danger

Set up written emergency procedures, including the right for employees to stop work and proceed to a place of safety when exposed to a serious and imminent danger

### Reg 9 – Contacts with external services

Ensure contacts with external services are arranged, particularly regarding first aid, emergency medical care and rescue work.

### Reg 10 – Information for employees

Provide employees with information, which is understandable, about health and safety matters

### Reg 11 – Co-operation and co-ordination

Co-operate with other employers sharing a work site

### Reg 12 – Persons working in host employers undertakings

Provide contractors with instructions and information on health and safety

### Reg 13 – Capabilities and training

Make sure that employees, including senior management, have the right level of health and safety training and competence for the work they do, and the responsibilities they hold. (see training section)

### Reg 15 – Temporary workers

Provide temporary workers with some particular health and safety information to meet their special needs.

### Reg 16 – New and expectant mothers

Take particular account of risks to new and expectant mothers when carrying out a risk assessment. If risks cannot be avoided by other means, employers need to make changes to the working conditions or hours of a new or expectant mother or offer suitable alternative work, or if this is not possible, give her paid leave for as long as necessary to protect her health and safety or that of her child.

### Reg 19 – Protection of young persons

Put in place measures to protect young persons. Employers must assess risks to young persons, those aged under 18, before they are employed, according to explicit requirements set out in the Management Regs.

Young workers are seen as being particularly at risk because of:

- their inexperience
- possible lack of awareness of existing or potential risks
- possible immaturity

The general duties of the Management Regs lie side-by-side with the more specific ones in other health and safety regulations. For example, if the employer has done a risk assessment to comply with the COSHH Regulations they will not have to do it again for the same work involving hazardous substances.

The MHSW regulations also apply to employees:

## Reg 14 – Employees duties

Place duties on employees to work in accordance with health and safety instructions and training provided by the employer. Employees must inform employers of work situations that represent serious and immediate danger to health and safety, and any matters which represent a shortcoming in the employers protection arrangements for health and safety.

### What must be done?

Employers must:

- identify hazards
- assess risks
- implement control measures to remove or reduce risk
- make management arrangements to ensure things are done
- appoint competent people to help implement arrangements
- set up emergency procedures
- monitor and review
- provide information, instruction and training

The MHSW Regs expand on some of the principles of the Health and Safety at Work Act, and in doing so strengthen the role of the health and safety representatives in particular areas. They support the need for safety representatives to be fully involved in the workplace on health and safety.

### Risk Assessments

Employers are required to provide proof that they have assessed the risks to the health and safety of their employees. The ACOP stresses that the risk assessment should be recorded in a way that can easily be retrieved and examined by an inspector or safety rep. In addition the employer must demonstrate to an inspector or safety rep that the risk assessment is suitable and sufficient.

A risk assessment will be suitable and sufficient only if it:

- identifies all the significant risks arising out of work
- prioritises the preventive and protective measures
- is appropriate to the nature of the work and remains valid for a reasonable period of time.

### In practice

In practice, a risk assessment must be systematic in:

- ensuring that all relevant hazards are addressed
- looking at what **actually** happens, e.g. through inspections and audits
- considering all groups of workers
- identifying workers who may be particularly at risk, e.g. young or inexperienced workers, or those working alone
- taking account of existing preventive and protective measures, e.g. Do they work? Are they properly maintained? Do people know what to do?

## Review

Assessments should be reviewed:

- on a regular basis
- when work activities change
- when new information or problems come to light

### Preventive and protective measures

The general principles of prevention, described earlier, should be applied by employers wherever reasonably practicable. This means trying to remove risks altogether, or controlling risks at source, **before** relying on safe systems of work, or protective equipment.

The employer is also expected to have read HSE guidance produced by the industry such as that published by PIAC, PABIAC, the BFFA and SBPIM, together with the regulations. Employers are expected to be aware of good practice, and apply it.

### Competent Persons

Many employers particularly at larger companies have safety officers or someone who is responsible for health and safety appointed to enable the employer to carry out their duties under the HSW Act. Employers should use competent employees, where they exist, in preference to external sources, for competent advice and assistance.

Under these regulations competent persons should have:

- a knowledge and understanding of the work involved, the principles of risk assessment and prevention, and current health and safety applications
- the capacity to apply this to the task required by the employer, which might include identifying the health and safety problems, assessing the need for action, designing and developing strategy and plans, evaluating their effectiveness and promoting and communicating health and safety and welfare advances and practices

At the very least competence should include:

- an understanding of relevant current best practice
- awareness of the limitation of one's own experience and knowledge
- the willingness and ability to supplement existing experience and knowledge.

### Emergency Procedures

These should have been written into the safety policy under the HSW Act. Employers have to nominate a number of people to implement the emergency and evacuation procedures.

Employers have to establish procedures to be followed in the event of a serious and imminent danger. These should include information for workers on the nature of the hazard and protective measures to be taken; the ability for workers to stop work and proceed to a place of safety and prevent workers resuming work where there is still a serious and imminent danger. This information should be made available to all employees and the safety rep should be consulted on the arrangements for appointing or nominating those who are to implement the emergency and evacuation procedures.

## Information

This requirement sets out the information employers must provide to all workers on:

- the risks to health and safety identified by the assessment
- the preventative and protective measures
- the emergency procedures
- the identity of the competent person and those nominated to act under the emergency procedures.

Provision should also be made for those who have little or no understanding of English.

## Training

This expands the general requirement under the HSW Act (Section 2, 2c) setting out the kind of training which should be given. Basic induction training on health and safety should be given to all new workers including arrangements for first aid and fire and evacuation. In addition further training should be given when workers take on new or different duties or there is a change in new equipment or systems of work. There is also need for refresher training.

## Employees Duties

Reg 14 expands slightly on the requirement under Section 7 of the HSW Act on the duties of employees to use any machinery, equipment, dangerous substance, etc. in accordance with the training and instructions provided by the employer. Workers are also required to inform the employer or others who are responsible for health and safety (including the safety rep) when any work situation presents a serious and immediate danger to health and where there are shortcomings in the employer's protection arrangements for health and safety.

## Consultation

These Regulations extend the employers' duties to consult with safety reps in good time on the following:

- a) the introduction of any measure which affects the health and safety of the workers;
- b) the arrangements for appointing or nominating the competent persons;
- c) health and safety information;
- d) the planning and organisation of any health and safety training for the workers;
- e) the consequences for the health and safety of workers of the introduction and planning of new technologies into the workplace.

## Action Points

1. Use your increased rights to consultation to be involved in the risk assessment.
2. Request copies of regulations and industry guidance from the employer.
3. Use your rights to be consulted on the appointment of competent persons to ensure they are suitably qualified.
4. Ensure you are consulted on the arrangements to implement the emergency procedures.
5. Check that the employer provides health and safety information to all workers.

## Fork lift trucks - risk assessment summary

Here is an example of the main points that a risk assessment of lift truck operations might cover. The actual assessment itself would involve more detailed consideration of the individual points than is indicated here.

**Operation:** Fork Lift Trucks

**Potential No. of People Exposed**  
2 x 2 shift

**Frequency and Duration of Exposure**  
9 hrs. per shift x 4 days per week  
Some Saturday work

### Hazards

1. Collision - people and property
2. Dropping load
3. Overturning
4. Fire - recharging
5. Burns - acid leak from battery

### Action Taken to Reduce Risk

1. All drivers licensed and supervised
2. Key control system, shift safety check
3. Marked routes, walkways marked
4. Six-monthly maintenance check by competent person

### Hazards Still Outstanding

1. Some bad pallets in use
2. Keys not fully controlled - overnight and weekends
3. Drivers' eyesight not checked
4. Yard surface has potholes
5. Two bad junctions on routes
6. Rack uprights being damaged
7. Combustible materials stored near chargers

### Further Action Required

1. Institute pallet control
2. Issue keys to licensed driver only
3. Eyesight tests for drivers
4. Reorganise layout and use of mirrors
5. Install rack upright footing protection
6. Mark out prohibited area round chargers

### Review Dates

1. All actions to be completed in one month
2. Next regular inspection 3-month

Signed:

Date:

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Manager