

Lecture 3 Legislation



Sources of Legislation

- Acts of Parliament
- Delegated legislation
 - statutory instruments
 - bye-laws
 - orders in council



European Community

- Treaties
- Regulations
- Directives



The Health and Safety at Work Act 1974

Part I

- Section 1 - Purpose of Act
- Section 2 - General duties of *employers* to their employees
- Section 3 - Duties of employers to others
- Section 4 - Duties concerning premises
- Section 5 - Emissions
- Section 6 - Information on articles and substances
- Sections 7 & 8 - Duties of *employees*



Section 2 (1)

It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees



Section 2 (2)

- Providing and maintaining *plant and systems of work* that are safe and without risks to health;
- Ensuring safety and absence of risks to health from the use, handling, storage and transport of *articles and substances*;
- Providing information, instruction, training and supervision;
- Providing and maintaining *safe places of work*;
- Providing and maintaining a *working environment* free from risks to health



Section 2 (continued)

- Prepare health and safety policy
- Allow recognised trade unions to appoint safety representatives
- Consult safety reps
- Form safety committee (where requested by safety reps)



Section 3

- Ensure non-employees affected by work are not exposed to risks to their health or safety
- Self employed to look after themselves and others



Section 4 - Premises

- Safe access and egress
- Plant and substances within premises are safe and without risks to health



Section 6

- Designers, manufacturers and importers must ensure that articles and substances which they design, manufacture or import are safe for use at work



Section 6 (continued)

- Ensure article is designed and constructed to be safe and without risks to health
- Carry out testing
- Make available information to ensure it can be used safely and without risks to health
- Carry out research



Sections 7 & 8 - Employees Duties

- Section 7
 - To take reasonable care for the health and safety of himself and others
 - To cooperate with his employer
- Section 8
 - Not to intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare



Section 9

- Employers must not charge employees for anything they do to meet legal requirements

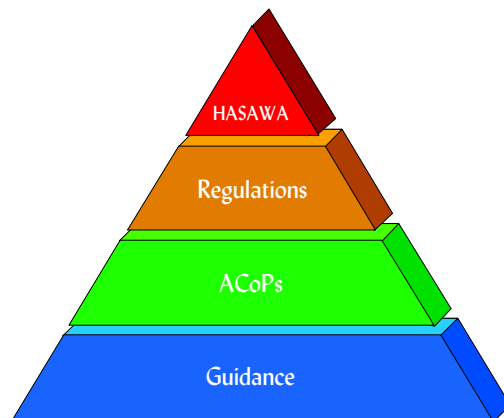


Regulations and ACOPs

- Section 15
 - Secretary of state allowed to make Regulations
- Section 16
 - HSC allowed to approve and issue codes of practice
- Section 17
 - ACOPs can be used as evidence of breach of statutory provision



UK Legislative Framework



Regulations - Hazardous Substances

- Control of Substances Hazardous to Health Regulations (COSHH)
- Control of Lead at Work Regulations (CLAW)
- Control of Asbestos at Work Regulations (CAWR)

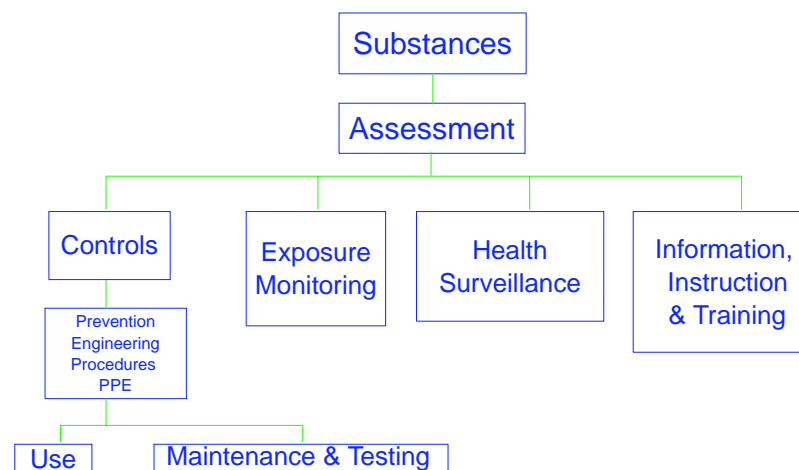




The Control of Substances Hazardous to Health Regulations 2002



Summary of the COSHH Regulations



Substances Covered by COSHH

- Substances designated as Very Toxic, Toxic, Harmful, Corrosive or Irritant under the CHIP Regulations
- Substances with exposure limits
- Biological agents
- Dust of any kind, when present at a substantial concentration in the air
- Any substance creating hazards comparable with the above



Regulation 6(1)

An employer shall not carry out work which is liable to expose any employees to any substance hazardous to health unless he has-

- made a suitable and sufficient assessment of the **risk created by that work** to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations; and
- implemented the steps referred to in sub-paragraph a



Regulation 6(3)

The assessment shall be reviewed regularly and forthwith if:

- a. there is reason to suspect that the assessment is no longer valid;
- b. there has been a significant change in the work ; or
- c. the results of any monitoring carried out in accordance with regulation 10 show it to be necessary



Regulation 6(4)

- Only need to record findings if more than 5 employees



Regulation 7 - Control

- Prevent or Control exposure
- Substitution preferred option
- Control measures - order of priority
 - process/equipment design
 - control at source
 - personal protection only as last resort
- Specified measures for carcinogens and biological agents



Regulation 8 - Use of Controls

- Employers to ensure controls are used
- Employees to use controls and report defects



Regulation 9

Maintenance, Examination and Testing of Controls

- All controls must be maintained in good working order and clean condition
- Thorough examination and testing of engineering controls
- Local exhaust ventilation systems to be tested regularly (every 14 months for most systems)



Regulation 9 (Continued)

- Monthly testing of respiratory protection
- Records to be kept 5 years
- Personal protective equipment must be
 - properly stored
 - checked at suitable intervals
 - repaired or replaced if defective
- Remove contaminated PPE and decontaminate before re-use



Regulation 10 - Exposure Monitoring

- Monitor worker exposure "*where requisite*"
- Other methods can be used to show control is effective
- When monitoring carried out, it should be done
 - at regular intervals
 - after any change which could affect exposure
- Keep records on file for
 - 40 years for personal sampling
 - 5 years in other cases



Regulation 11 - Health Surveillance

- Carry out health surveillance "*where appropriate*"
- Records to be retained for 40 years
- Individuals to be allowed access to their own records
- Health surveillance is only appropriate where the technique of investigation is of low risk to the employee
- HSE access to records



Regulation 11(9)

Where, ill health detected by health surveillance:

- inform employee
- review COSHH assessment
- review controls;
- consider assigning the employee to alternative work
- check other employees who have been exposed.



Regulation 12 - Information, Instruction and Training

■ Employers to provide suitable and sufficient information, instruction and training to

- employees
- others carrying out work for him

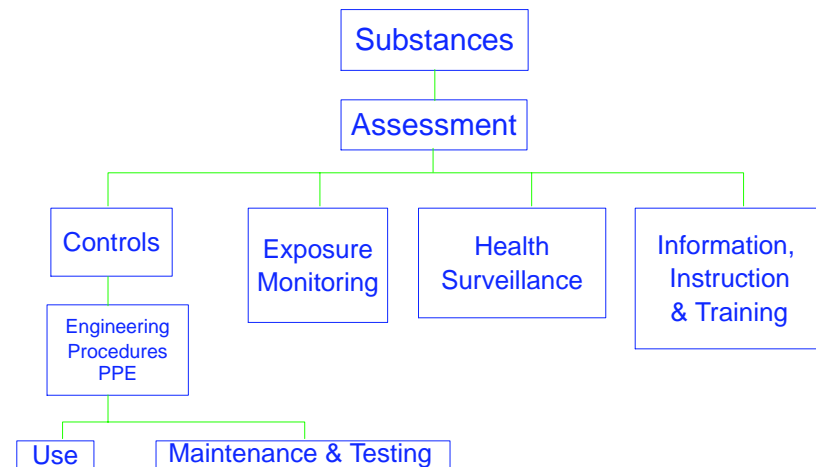


Regulation 12 Information, Instruction and Training

- Risks to health
- Precautions to be taken
- Results of exposure monitoring
- Collective results of health surveillance

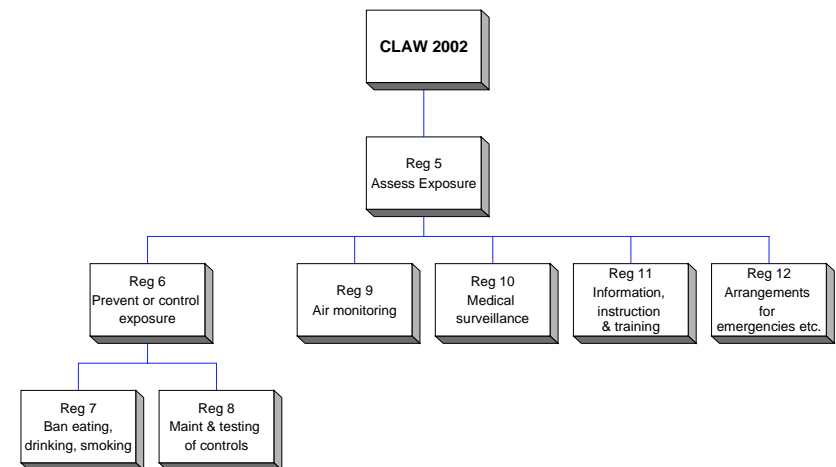


Summary of the COSHH Regulations





Control of Lead at Work Regulations 2002



Workplace Exposure Limits



Workplace Exposure Limits (WELs)

- Introduced April 2005
 - COSHH Regulation 7(7)
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COSHH Regulation 7(7)

Exposure to hazardous substances only "adequate" if:

- principles of good practice are applied
- WEL is not exceeded
- for carcinogens, mutagens and respiratory sensitisers
 - exposure must be reduced to as low a level as reasonably practicable



Reference Periods

- 8 hours
- 15 minutes (STEL)
- If no STEL set, concentration of 3 x value of 8 hour limit used for 15 minute exposures



Time Weighted Average Concentration

$$TWA = \frac{C_1T_1 + C_2T_2 + \dots + C_nT_n}{8}$$

C = Concentration
T = time in hours



Reference Periods

Substance with a long and short term limit:

- total duration of peak exposures above the 8 hour TWA value should be limited to **one hour** during any **24 hour** period



Other Considerations

■ "Skin" notation

- skin absorption can be a significant route of exposure

■ "Sen" notation

- respiratory sensitiser

■ ILV notation

- indicative limit value (EC)

■ Bmgv

- Biological Monitoring Guidance Value

