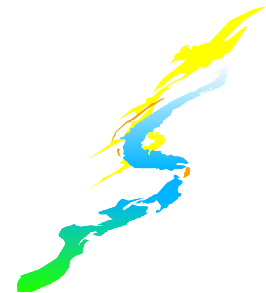




Legislation

Health and Safety at Work Act 1974



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 1

- 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

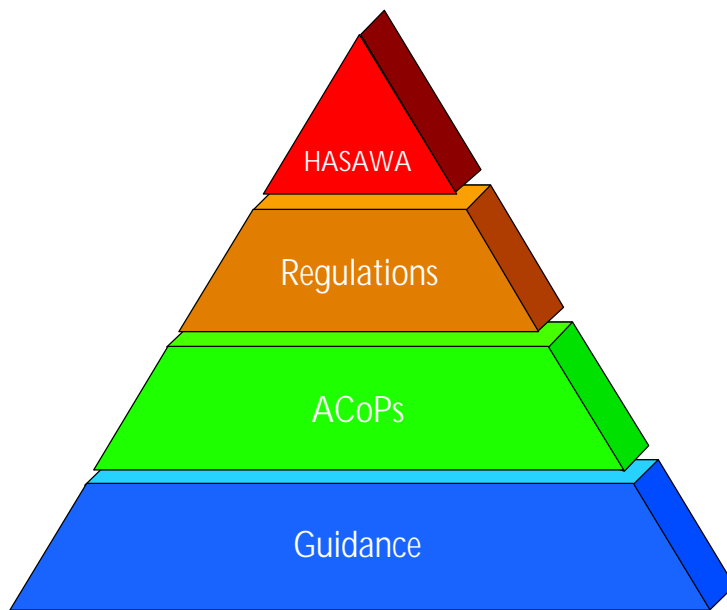


Regulations and ACOPs

- 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



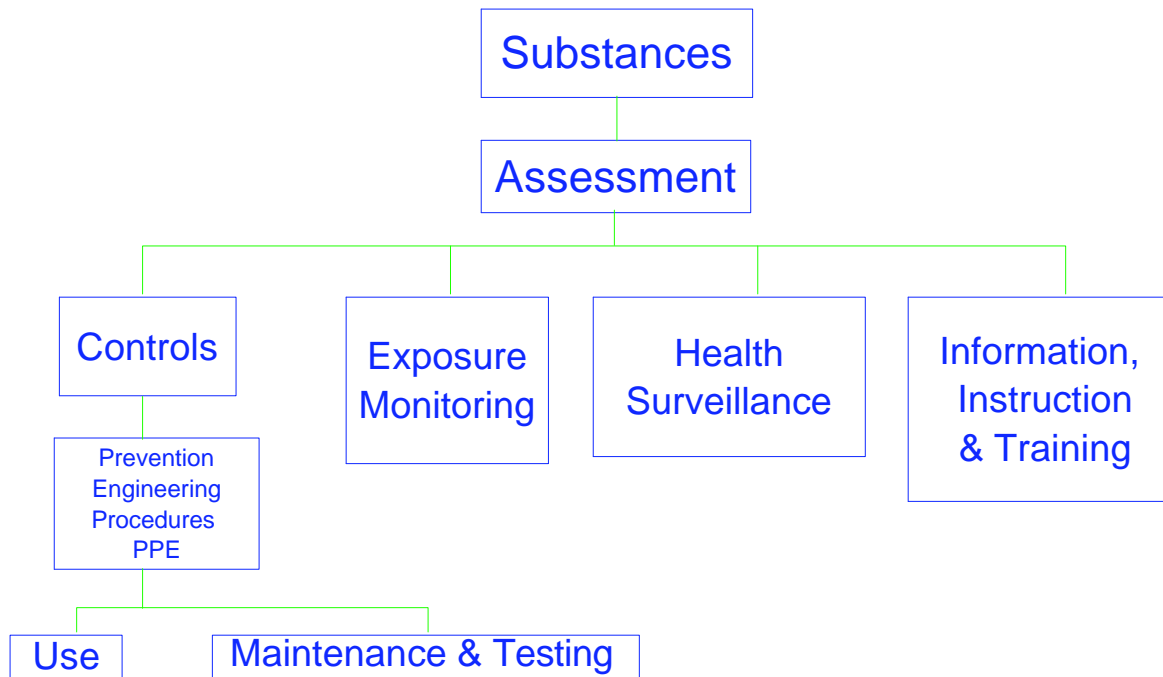
UK Legislative Framework



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 3

Reg.	Duty	Employees	Other people at premises	Other people likely to be affected
6	Assessment	<input checked="" type="checkbox"/>	SFRP	SFRP
7	Prevention or control of exposure	<input checked="" type="checkbox"/>	SFRP	SFRP
8 & 9	Use, maintenance and testing of controls	<input checked="" type="checkbox"/>	SFRP	SFRP
10	Monitoring	where requisite	SFRP	<input checked="" type="checkbox"/>
11	Health surveillance	where requisite	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
12	Information, instruction and training	<input checked="" type="checkbox"/>	SFRP	<input checked="" type="checkbox"/>



Regulation 4

■ Prohibition of substances specified in Schedule 2

- 2-naphthylamine, benzidine, 4-aminodiphenyl, 4-nitrodiphenyl
- matches made with white phosphorous
- benzene



Regulation 5

COSHH does not apply to substances which are:

- subject to Coal Mines (Respirable dust), Lead or Asbestos Regulations
- radioactive, explosive or flammable
- used at high / low temperature or pressure
- administered for medical treatment



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-

- a. 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
- b. implemented the steps referred to in sub-paragraph a



Regulation 6(2)

Assessment **must** consider:

- substance hazards
- information on health effects provided by the supplier
- the level, type and duration of exposure;
- the circumstances of the work, including the amount of the substance involved;
- activities, such as maintenance, where there is the potential for a high level of exposure;



Regulation 6(2) (continued)

- any relevant OELs
- the effect of control measures
- the results of relevant health surveillance and air monitoring
- effects of combined exposures
- substances in combination
- the approved classification of any biological agent



Regulation 6(2) *(continued)*

- "such additional information as the employer may need in order to complete the assessment"



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 10 - Monitoring (continued)

- Individual monitoring records for workers undergoing health surveillance
- HSE access to monitoring records
- Records to be offered to EMAS when a company ceases trading



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

- "Shopping list" of topics to be covered by training
- Design of programme should:
 - be adapted to take account of any changes
 - take account of nature of exposures
- Contents of containers and pipes should be readily identifiable



Regulation 12 Information, Instruction and Training

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



Regulation 13

- **Extensive** requirements to deal with accidents, incidents and emergencies
 - procedures
 - first aid facilities / safety drills
 - information on arrangements
 - warning / communication systems



Other Regulations

- Reg 14 - Provisions relating to certain fumigations
- Reg 15 - Exemption certificates
- Reg 16 - Exemptions for MOD etc.
- Reg 17 - Extension outside Great Britain
- Reg 18 - Revocations and savings
- Reg 19 - Extension of meaning of "work"
- Reg 20 - Modification of section 3(2) of HASAWA
- Reg 21 - Defence



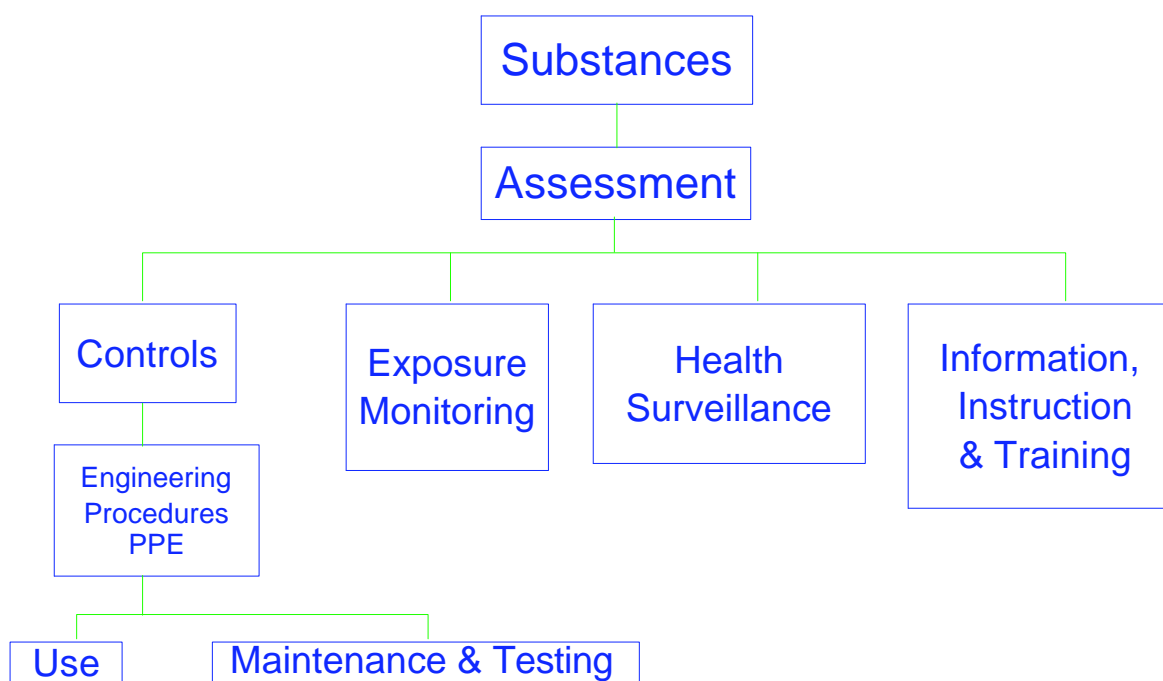
Regulation 21 - Defence

- Defendant must prove that :

"he took all reasonable precautions and all due diligence to avoid commission of that offence"

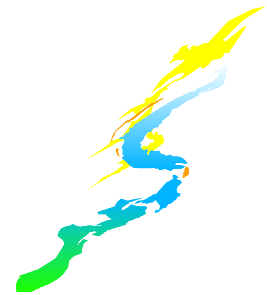


Summary of the COSHH Regulations





Control of Lead at Work Regulations 2002



CLAW - Regulation 4

- Only leadless or low solubility glaze to be used in manufacture of pottery
- Young people and women of reproductive capacity not to be employed for certain processes



CLAW - Regulation 5

■ Where any work may expose persons to lead:-

- the employer must assess *"the nature and degree of exposure"*
- the assessment must be revised if
 - it is suspect
 - there is a material change to the work
 - monitoring results show it is necessary
 - blood lead levels reach or exceed Action Levels
- the assessment must be carried out by a competent person



"Significant Exposure"

- Exposure to concentration more than half the lead in air standard
- Substantial risk of ingesting lead
- Risk of skin contact with lead alkyls



"Significant Exposure"

Blood Lead (ug/100ml)

Women of reproductive capacity	20
young persons	35
other employees	35

Urinary Lead (ug Pb /g creatinine)

Women of reproductive capacity	25
young persons	40
other employees	40



"Significant Exposure"

- Blood lead levels:
- 20 ug/100ml for w



CLAW - Regulation 6

- Prevent or Control exposure
- Substitution preferred option
- Control measures - order of priority
 - process/equipment design
 - control at source
 - personal protection only as last resort
- Control only adequate if
 - lead in air standard not exceeded
 - reasons for any exceedance identified and immediate steps taken to remedy situation



CLAW - Regulation 6 (continued)

- PPE provided must
 - comply with provisions of PPE Regulations
 - type approved or conforms to a standard approved by HSE
- Employers to ensure controls are used
- Employees are required to make full and proper use of the controls and report any defects



CLAW Regulation 7

- No eating, drinking or smoking in areas contaminated by lead
- A non-contaminated facility should be provided



CLAW - Regulation 8

- **All** control measures must be properly maintained and a maintenance schedule drawn up and written down



CLAW - Regulation 8 (continued)

- Engineering controls thorough examination and test
 - LEV at least every 14 months
 - other types at suitable intervals
- RPE
 - test at suitable intervals
 - ACoP specifies every month
- Records to be kept 5 years



CLAW - Regulation 8 (continued)

- Personal protective equipment must be
 - properly stored
 - checked at suitable intervals
 - repaired or replaced if defective
- Remove contaminated PPE and decontaminate before re-use or destroy



CLAW - Regulation 9

- Air monitoring should be carried out wherever there is a risk of significant exposure to lead
- Every 3 months
- Can be extended to 12 months if:
 - no material change to work
 - conc. < 0.1 mg/m³ for two consecutive surveys
- Records to be kept for 5 years
- Individuals and HSE allowed access to records



CLAW - Regulation 10

All employees working with lead should be under medical surveillance by an employment medical adviser (EMA) or an appointed doctor if either:

- the exposure is significant or
- the doctor certifies that the employee should be under surveillance.



Action Levels

	Action Level
Blood Lead (ug/100ml)	
Women of reproductive capacity	25
young persons	40
other employees	50



Suspension Levels

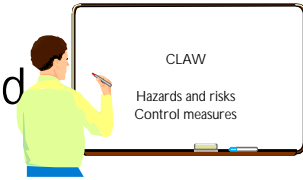
	Suspension Level
Blood Lead (ug/100ml)	
Women of reproductive capacity	30
young persons	50
other employees	60
Urinary Lead (ug Pb /g creatinine)	
Women of reproductive capacity	25
young persons	110
other employees	110



CLAW Regulation 11 - Information, Instruction and Training

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

- employees
- others carrying out work for him



CLAW Regulation 11 - Information, Instruction and Training

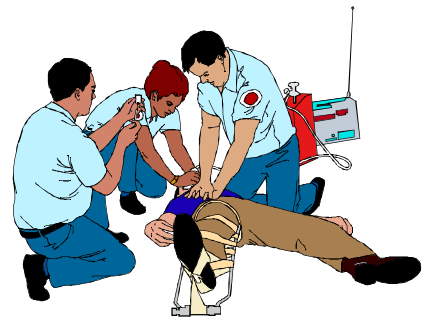
- Risks to health
- Precautions to be taken
- Results of exposure monitoring
- Collective results of health surveillance



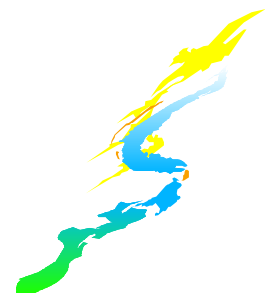
CLAW Regulation 12

■ **Extensive** requirements to deal with accidents, incidents and emergencies

- procedures
- first aid facilities / safety drills
- information on arrangements
- warning / communication systems



The Control of Asbestos at Work Regulations 1987



Regulation 2 - Action Levels

Cumulative exposures over a continuous
12 week period

Chrysotile	72 fibre hours / ml
Other forms of asbestos (including mixtures)	48 fibre hours / ml



Regulation 2 - Control Limits

Chrysotile	0.3 fibres / ml (4 hours) 0.9 fibres / ml (10 mins)
Other forms of asbestos (including mixtures)	0.2 fibres / ml (4 hours) 0.6 fibres / ml (10 mins)



Regulation 3

Duties to non-employees

- Visitors
- Occupier's employees (for off site work)
- Others who could be exposed
- Cooperate with other employers



Regulation 4

- Identify types of asbestos OR
- Assume asbestos is all amphibole



Regulations 5 and 5A

Before work commences

- undertake risk assessment
- produce written plan of work
- keep copies on site



Regulation 6

- Notify HSE 14 days before work starts if action levels may be exceeded



Regulation 7

- Provide adequate information, instruction and training for
 - employees
 - others affected by work
- Refresher training
 - annually
 - sooner if significant change



Regulation 8

- Prevent or control exposure to asbestos
- RPE as last resort
- RPE must be suitable
- Uncontrolled releases



Regulation 9

- Employers to ensure controls properly used
- Employees to
 - use controls provided
 - report defects
 - keep workplace clean
 - avoid eating drinking and smoking in contaminated areas



Regulation 10

- All controls to be maintained and tested at suitable intervals
- Keep records
- Maintaining RPE
 - check before use
 - monthly thorough examination and test



Regulation 11

- Provide adequate and suitable protective clothing
 - good fit
 - prevents penetration of asbestos fibres
 - no pockets etc.
 - easily decontaminated
- Take off clothing before RPE removed
- Non-disposable clothing to be decontaminated



Regulation 12

- Prevent or limit spread of asbestos
 - decontaminate plant
 - never leave ACMs in loose state



Regulation 13

- Keep working area clean



Regulation 14

- Designate areas
- Asbestos area - where action levels exceeded
- Respirator zone - where control limit exceeded



Regulation 15 and 15A

- Carry out air monitoring where appropriate
- Records to be kept for
 - 40 years (personal samples)
 - 5 years (static samples)
- Labs must be accredited to EN 45001



Regulation 16

- Health records to be kept
- Retain for 40 years
- Medical examinations for personnel exposed above action level



Regulation 17

Provide adequate and suitable

- washing facilities
- storage of protective and personal clothing
- storage for RPE

