

# The Work at Height Regulations 2005 (WAHR)

## Part 3 Legal Requirements



# Overview of this section

- Main requirements of each regulation will be covered
- Guidance on expectations regarding compliance
- Examples of good and bad practice
- Definitions and application Reg 2 and 3 already covered in parts 1 and 2



# Organisation and planning (Reg. 4)

- Ensure work at height is properly planned
- Appropriately supervised
- Carried out in a safe manner
- Includes the selection of appropriate work equipment
- Plan for emergencies and rescue
- Take into account weather conditions



# Compliance

- Should be proportionate to the risk
- Assess the overall risk
- Should address the findings of the risk assessment
- Complemented by CDM requirements for planning



## **PROPORTIONATE**

Planning and degree of supervision etc should be in proportion to the risk. Avoid over implementation.

## **OVERALL (GLOBAL) RISK**

Planning should cover installation, use and dismantling

## **REMEMBER OTHER RISKS**

eg movement of OHTC's, FLT's in relation to eg tower scaffold

## **ADDRESS THE FINDINGS OF THE RISK ASSESSMENT**

So that safe systems of work are implemented

## **CDM**

ie the pre tender and construction phase plan for construction projects

# Organisation and planning Don't lose the plot!



A lot of planning went into this

# And again!



A lot of planning went into this

# Planning for emergencies and rescue



- Proportionate to the risk
- Reasonably foreseeable situations such as stuck equipment, deployed fall arrest, fall into water
- Suspension trauma
- Do not rely on the fire brigade

## PROPORTIONATE

Low risk no effort. Fall arrest equipment justifies planning for rescue

## FORESEEABLE SITUATIONS

Stuck MEWP, stuck FLT platform or **high bay order picker**, deployed fall arrest lanyard, fall into a net, heart attack up a tower crane, **How are they going to get the person down.** Work next to or above water, rescue boat, life jacket

## SUSPENSION TRAUMA

Can be a life threatening issue in a short period of time if left suspended in a harness. Need to ensure prompt rescue

## DO NOT RELY ON THE FIRE BRIGADE

Duty holder creates the risk so they should manage it eg means to lower equipment from ground level, MEWP rescue, available **rescue kits** for fall arrest deployments (training critical)

# Weather conditions

- Ensure work at height is carried out only when weather conditions do not jeopardise the health and safety of workers
- This is an absolute duty
- Strong winds will be the most common reason for halting work at height



## **JEOPARDISE HEALTH AND SAFETY**

Jeopardise means endanger the health and safety of workers. So if weather conditions pose a threat to health and safety then stop work. (ie not thermal discomfort and exposure to rain which can be dealt with by PPE)

### **EXAMPLE. POWER COMPANY TRYING TO REINSTATE SUPPLIES AFTER A STORM**

If workers and access equipment is likely to be blown off or over, wait for improvements. If there is no risk to health and safety then carry on. Thermal discomfort etc can be dealt with by PPE.

### **OTHER WEATHER EXAMPLES Which could jeopardise health and safety**

High winds during lifting operations or roof sheet laying

Ice, snow or rain causing slippery conditions

### **CONSIDER OTHER ENVIRONMENTAL CONDITIONS IN THE RISK ASSESSMENT (MHSWR DUTIES)**

Heat stress risk in boiler room/plant room

Exposure to flue gasses on a stack

Allow cooling and switch off.



# Organisation and planning and the emergency services

- Reg 4 duty concerns planning for emergency and rescue as a result of routine work (not the actual work of the emergency services)
- It is recognised that dynamic risk assessments are acceptable for the work of the emergency services
- Taking into account the weather does not apply to emergency services acting in an emergency (Reg. 4(4))



**POLICY LINE IS THAT RELAXATION OF ORGANISATION AND PLANNING DUTIES TO THE EMERGENCY SERVICES ONLY COVERS THOSE SITUATIONS WHERE THERE IS 'DANGER TO LIFE'. ie THE RESCUE PHASE.**

## **DYNAMIC RISK ASSESSMENT**

1. It is recognised that emergency services work often has to be planned on the spot and has to respond to rapidly changing circumstances.
2. A lot of their work cannot be planned in advance
3. However still expect organisation and planning for generic circumstances

## **TAKING INTO ACCOUNT THE WEATHER DOES NOT APPLY TO EMERGENCY SERVICES ACTING IN AN EMERGENCY**

Article 2 of the framework directive **REMOVES** emergency services from the requirement to take into account the weather when acting in an emergency. (**HOWEVER** the directive and HSWA still require employees to be protected)

# Competence (Reg. 5)

- Employer shall ensure that persons engaged in any work at height activities are competent
- Persons must also be competent in
  - Organising
  - Planning
  - Supervision
  - Selection of appropriate work equipment
  - Use of work equipment



## **COMPETENCY IS NOT DEFINED**

Don't want to be over prescriptive, sector specific guidance developed by duty holders can deal with it.

## **IMPORTANT POINT**

Person carrying out the organisation/planning/risk assessment need to be competent so that appropriate systems of work/work equipment are selected.

## **TRAINEES**

Apprentices/trainees undergoing training can be engaged in the work so long as they are being supervised by a competent person

## Compliance (Reg. 5)

- Someone with sufficient training, knowledge, experience and authority to enable them to
  - Carry out their duties at the level of responsibility allocated to them
  - Understand potential hazards in relation to the work and equipment
  - Detect defects or omissions in the work or equipment, recognise H&S implications and specify remedial actions to make conditions safe



**THIS IS GENERAL GUIDANCE ONLY, REFLECTS MHSWR REQUIREMENTS FOR COMPETENCE**

Reflects Reg 7 MHSWR duty regarding health and safety assistance. (Appoint person should be competent to assist employer in the undertaking)

## What does this mean in practice for workers?

- Know what the Regs require of them as individuals
- Know what the equipment they are using is designed to do
- Understand what checks need to be done before use
- How equipment should be stored, maintained and formally inspected



They are able to recognise safe and unsafe situations

MORE WILL BE EXPECTED OF MANAGERS AND SUPERVISORS

# Competent?



Competence in organising, planning, supervision, selecting appropriate work equipment?

# Competent?



Installing an aircon unit!

# Competent?



# Competent



More like this.



# Avoidance of risk from work at height (Reg. 6 Hierarchy)

- Regulation 6 is at the heart of WAHR
- First step, take account of a risk assessment to identify appropriate precautions
- Sets out the HIERARCHY of
  - AVOID
  - PREVENT, or
  - MITIGATE FALLS from work at height
  - Take additional measures



## **RISK ASSESSMENT**

IS THE FIRST STEP. CONSIDERING THE HIERARCHY IS THE KEY PART OF THE RISK ASSESSMENT/DECISION MAKING PROCESS AS TO HOW TO WORK SAFELY

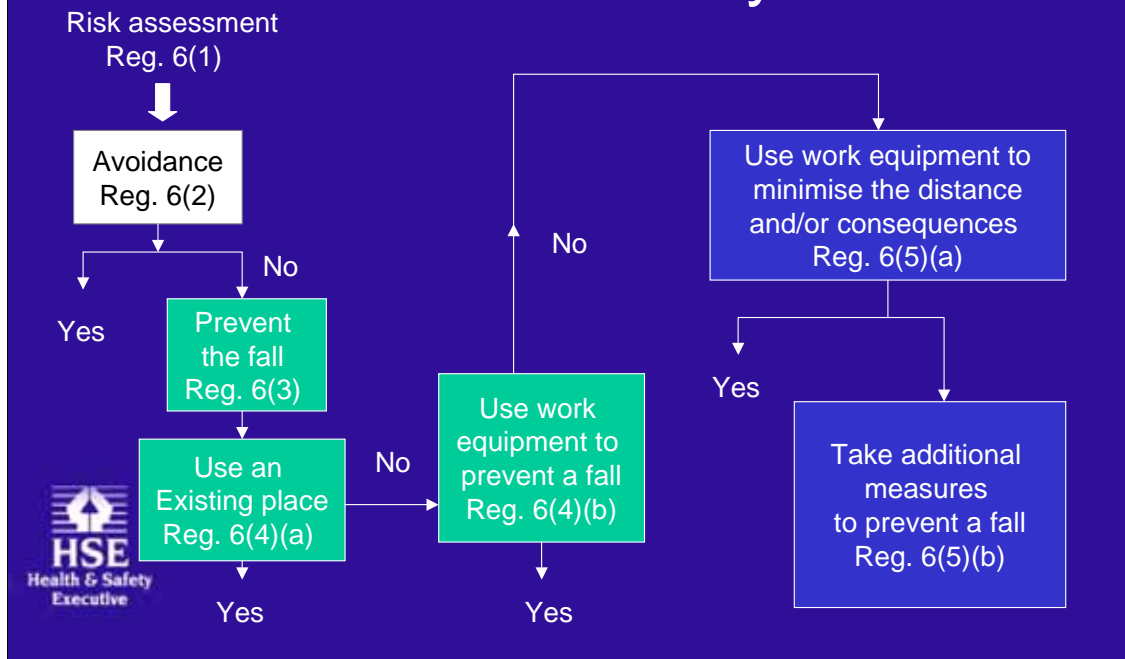
## **EACH LEVEL IS QUALIFIED BY SFAIRP**

If it is not reasonably practicable to AVOID work at height, then PREVENT THE FALL, if it is not reasonably practicable to prevent, then MITIGATE the effects of a fall by minimising the distance and consequences.

## **FINAL STEP (BOTTOM) OF THE HIERARCHY**

Concerns the provision of additional measures to reduce the risk of a fall when it is not Reasonably practicable to AVOID, PREVENT or MITIGATE

# The hierarchy



**YES = CARRY OUT THE WORK SAFELY**

**WHITE = AVOID WORKING AT HEIGHT**

**GREEN = PREVENT A FALL**

**BLUE = FALL MITIGATION**

# Avoid the need to work at height



## **FIRST STEP IN THE HIERARCHY**

First step after risk assessment 6(2). Can work be done without the need to work at height

## **OTHER EXAMPLES**

Long handled tools eg to open windows from ground level

Long handled vacuum cleaners to reach upper surfaces from the ground eg cleaning dust in a bakery

Shrink wrapping pallets at ground level rather than sheeting the load once it is on the vehicle.

Building structures at ground level and lifting them into place on completion

Manufacture beams that allow edge protection to be installed an ground level before they are lifted into position

Avoid  
work at  
height

Erection  
of nets



Installing nets from the ground using a rod and gripper system

# Prevent the fall

- Using an EXISTING PLACE OF WORK  
- includes access and egress  
OR
- Use WORK EQUIPMENT to PREVENT  
the fall



## **SECOND STAGE IN THE HIERARCHY**

### **KEY DUTY**

Reg 6(3) prevent SFAIRP any person falling a distance liable to cause personal injury.

**NB Reg. 6(3) Will be most commonly quoted breach in any enforcement.**

**Requires any fall to be prevented**

### **REMINDER, EXISTING PLACE OF WORK**

Is one which does not require the use or addition of work equipment to prevent a fall.

### **KEY QUESTION**

**CAN I UTILISE AN EXISTING SAFE PLACE OF WORK TO CARRY OUT WORK AT HEIGHT OR DO I NEED TO BRING IN WORK EQUIPMENT TO WORK SAFELY SO THAT A FALL IS PREVENTED**

## (Safe) existing place of work



### **CAN I UTILISE AN EXISTING SAFE PLACE OF WORK AT HEIGHT**

#### **DOES NOT REQUIRE WORK EQUIPMENT TO PREVENT THE FALL**

These guard rails are a permanent feature. Roofs with parapets can also constitute safe existing places of work

#### **DON'T FORGET ACCESS**

Safe existing access and egress could be a fixed external stairway with edge protection or an internal stairway with a door leading onto a protected roof.

# Unsafe place of work including access & egress



**NO EXISTING FALL PROTECTION SO IT IS NOT AN EXISTING SAFE PLACE OF WORK OR A SAFE MEANS OF ACCESS AND EGRESS**

No existing parapets, guard rails etc so unprotected edges, access to fragile surfaces

**Would require work equipment to make safe** eg guard rails or MEWP if just inspection.

# Unsafe place of work



**AGAIN NO EXISTING FALL PROTECTION SO IT IS NOT AN EXISTING SAFE PLACE OF WORK**

**Existing parapet not high enough** insufficient protection to prevent a fall onto a fragile surface

**Work equipment would be need** if work was to be carried out on the plant on the roof.

**CDM issue** could have sited it in a safe position or supplied guard rails around the plant and access egress route.



# Creating a (safe) existing place of work



## **FOLLOWING A SERIOUS ACCIDENT AT AN LA PREMISES**

Injured Person (IP) stepped onto and fell through a fragile suspended ceiling above a fast food restaurant while accessing a plant room. Sustained broken back from the 3.5 M fall. £35,000 FINE

## **AFTER THE ACCIDENT**

Provided a fixed guard rail, thereby creating a (safe) existing place of work which complies with Reg 6(4)(a).

# Creating another (safe) existing place of work



Hospital roof before and after.

Created a (safe) existing place of work including a safe means of access and egress

# Use work equipment to prevent the fall



**IF RISK ASSESSMENT(ORG&PLANNING) CONCLUDES THAT AN EXISTING SAFE PLACE OF WORK DOES NOT EXIST AND CAN'T THEREFORE BE UTILISED THEN IMPORT WORK EQUIPMENT TO PREVENT THE FALL**

Includes the use of temporary guard rails, tower scaffolds, scaffolds etc which if used correctly will prevent a fall.

You know what they are so not much detail here.

**Could also be a personal work restraint system which also prevents the fall  
However it would have to be considered after collective fall prevention.**

# Mitigate the consequences of a fall

- When fall prevention is not reasonably practicable provide work equipment to
  - Minimise the distance and consequences, or
  - When its not reasonably practicable to minimise the distance, the consequences should still be minimised



## **NEXT STEP IN THE HIERARCHY Reg 6(5)**

Brings in work equipment such as nets, airbags, bean bags and fall arrest

### **WORK EQUIPMENT WHICH MINIMISE THE DISTANCE AND CONSEQUENCES**

Nets and fall arrest systems if used correctly will minimise the distance and consequences of a fall

### **WORK EQUIPMENT WHICH MINIMISE THE CONSEQUENCES ONLY**

Bean bags, mats.

# Minimise the distance and consequences



## REMEMBER COLLECTIVE BEFORE PERSONAL

This net is offering **collective protection** to minimise the **distance and consequences** (Distance is minimised because the net is placed close to the working level) Mats which minimise fall distance will also minimise both the distance and the consequences

## Minimise consequences only



**Mats minimise the consequences only, if not located close to the working level.**

# Minimise distance and consequences



## **PERSONAL FALL PROTECTION CONSIDERED AFTER COLECTIVE**

### **SOME NON CONSTRUCTION EXAMPLES**

Fall arrest system offers **personal protection**. **The higher the attachment, the less distance is involved in the fall**

# Final step in the hierarchy

- Prevent any person falling a distance liable to cause personal injury by,
  - providing additional training and instruction
  - or take other additional suitable and sufficient measures



## KEY MESSAGE

MUST APPLY THE REST OF THE HIERARCHY FIRST. DOES NOT GIVE DUTY HOLDERS A GET OUT CLAUSE. MUST BE ABLE TO DEMONSTRATE THAT IT WAS NOT REASONABLY PRACTICABLE TO AVOID, PREVENT OR MITIGATE FALLS THROUGH OTHER MEANS INCLUDING WORK EQUIPMENT. (THEN TAKE OTHER MEASURES (FINAL STEP) SFAIRP TO PREVENT A FALL)

## COVERS SITUATIONS WHERE

1. WORK EQUIPMENT DOES NOT PREVENT OR MITIGATE A FALL. NOTABLY **LADDERS** BUT ALSO **KICK STOOLS** AND **STILTS**
2. SITUATIONS WHERE IT IS NOT REASONABLY PRACTICABLE TO PROVIDE WORK EQUIPMENT TO

PREVENT OR MITIGATE A FALL

eg **guard rails on railway platforms – designate edge with line instead.**

**Split level floors – designate edges with lighting**



# Take other measures



**EXAMPLE OF TAKING OTHER ADDITIONAL SUITABLE AND SUFFICIENT MEASURES TO PREVENT A FALL**

# Take other measures



**EXAMPLE OF TAKING OTHER ADDITIONAL SUITABLE AND SUFFICIENT MEASURES TO PREVENT A FALL (Bright paint to designate an edge)**

# Ladders and the hierarchy

- Bottom of hierarchy can be used to justify work from ladders
- Must consider avoidance, fall prevention and mitigation first
- But ladders used just for access and/or short duration work can be justified due to low risk
- Also ladders can be used in conjunction with other work equipment eg stability devices, fall arrest



## **BOTTOM OF THE HIERARCHY**

Final step provides a 'home' for ladders. Ladders don't prevent a fall and they don't mitigate the effects of a fall **BUT** if used by **trained persons** and they are **maintained, inspected and tied and are used with ladder stability devices if needed** then OK.

## **AVOIDANCE, FALL PREVENTION AND MITIGATION COMES FIRST**

Emphasise ladders are **NOT BANNED** but duty holders need to carefully consider the use of other methods before deciding whether ladders are appropriate for the task.

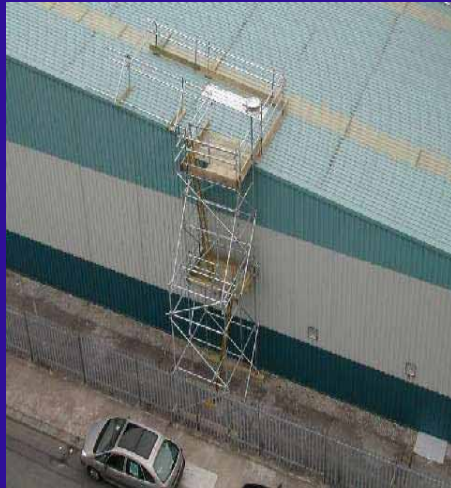
**LOW RISK CAN JUSTIFY THE USE OF LADDERS** eg short duration/light work or simple access. Heavy, longer duration lends itself more to simple towers or MEWPS. Short duration 15 to 30 mins.

## **IN CONJUNCTION WITH OTHER EQUIPMENT**

Depending on the circumstances of a job, safety in the use of ladders can be improved by using stability devices or fall arrest systems

MORE ON LADDERS LATTER

# Example of how the hierarchy applies : Roof duct installation



- Avoid work at height
- Prevent a fall by,
  - Using an existing (safe) place of work or,
  - Using work equipment to prevent a fall
- Mitigate a fall by using work equipment to minimise the distance and consequences of a fall

NEED TO INSTALL A DUCT THROUGH A ROOF

THE RISK ASSESSMENT SHOULD APPLY THE HIERARCHY TO CONSIDER THE OPTIONS.

## **AVOID**

Cannot avoid The need to work at height, need to access roof to cut a hole in it and place duct through opening

## **PREVENT**

Cannot utilise an **existing safe place of work**. Roof has no existing guard rails or parapet. Unprotected fragile skylights exist and no safe existing means of access to roof.

**Need to import work equipment in to prevent the fall.** Tower scaffold access with guard rails provides fall protection from roof edge and fragile skylights. MEWP could also be used.

## **MITIGATE**

Need to cut hole in roof to get duct through. Risk of fall through hole. Solution, use fall arrest harness anchored to the guard rail **so that distance and consequences of a fall is minimised** when working at the opening.

**(ALTERNATIVELY, USE A MEWP. TAKES OUT RISK DURING SETTING UP AND DISMANTLING. REMEMBER GLOBAL APPROACH TO RISK ASSESSMENT)**

# Selection of work equipment (Reg. 7)

- Give collective measures priority over personal protective measures
- Includes a list of principles which should be taken into account in the risk assessment when selecting work equipment most suited for the job
- Work equipment must be able to cope with foreseeable loadings and allow passage without risk



## **COLLECTIVE OVER PERSONAL**

Remember definitions, **collective provides protection for all BETTER than personal which protects only the user**

## **CONSEQUENCES**

EXAMPLE 1 Provide guard rails before personal fall prevention (Work restraint) SFAIRP.

EXAMPLE 2 Must provide collective mitigation eg nets before personal fall arrest systems SFAIRP.

**BUT EXAMPLE 3 Must provide personal fall prevention before collective fall arrest ie work restraint before nets**

## **PASSAGE WITHOUT RISK**

**DIMENSIONS** of working platform 600 mm min to allow passage without risk (Policy line)

# Example of collective measures taking priority



- Need to land goods on a mezzanine
- Use moveable guard rails
- Use work restraint harness to prevent a fall?
- Provide safety barrier which provides collective protection



**FLT USED TO LAND GOODS** on a mezzanine floor

**PROBLEM** removable guard rails constitute risk of a fall when working at the open edge

**PROVIDE PERSONAL PROTECTION** in the form of a work restraint harness which prevents the user reaching the edge? **PROBLEM** Only the user is protected, what about people using the adjacent stairs or helping with the task. Equipment needs to be correctly worn, anchored, inspected etc.

**SOLUTION** provide a safety barrier which provides collective protection to all. Explain how it works if necessary.

# Principles for selection of work equipment

- Take account of
  - working conditions
  - distance to be negotiated for access and egress
  - distance and consequences of a fall
  - duration and frequency of use
  - need for evacuation and rescue
  - additional risk when installing, removing



Lists factors to consider during risk assessment when deciding most suitable work equipment for the job.

## **WORKING CONDITIONS**

Slopes, poor ground, obstructions, traffic will effect choice of equipment eg a MEWP could reach over bad ground/obstructions so long as its stability was not compromised.

## **DISTANCE TO BE NEGOTIATED FOR ACCESS/EGRESS**

Ladders less suitable for higher access especially if carrying load. Provide fixed access stairs or tower access.

## **DISTANCE AND CONSEQUENCES OF A FALL**

eg a fall arrest lanyard would be no use if the fall distance was shorter than the deployment length. The user would contact the floor before being arrested

## **DURATION AND FREQUENCY**

Long duration higher frequency work justifies better standard of fall protection eg tower or scaffold rather than a ladder BUT ladder might be OK for short duration repetitive work eg person doing traffic light maintenance/cleaning

## **EVACUATION AND RESCUE**

If evacuation from a deployed lanyard is going to be problematic, choose another method of access.

## **ADDITIONAL RISK WHEN INSTALLING/DISMANTLING (GLOBAL APPROACH TO RISK ASSESMENT)**

MEWP involves less risk than assembling/dismantling scaffold and edge protection for a roof job

# Selection of appropriate work equipment?



## **SECURITY CAMERA INSTALLATION**

No fall prevention. MEWP or tower better. Note ladders not long enough and working from a fragile surface. A MEWP or tower would be preferable.

## **STEP LADDER USE**

Again no fall prevention. Over reaching/overbalancing Tower or MEWP would be better given the height. Note an unassembled tower exists in the foreground! (poor organisation & planning, supervision & competence)



# Requirements for particular work equipment (Reg. 8)

- Links the Regulations to the schedules
  - Existing place of work, schedule 1
  - Guard rails etc, schedule 2
  - Working platforms inc scaffolds, schedule 3
  - Collective fall arrest safeguards, schedule 4
  - Personal fall protection, schedule 5
  - Ladders, schedule 6



**REG 8 IS IMPORTANT BECAUSE IT LINKS THE REGS TO THE SCHEDULES**

REMEMBER REG 6(3) CAN BE USED WHEN ALLEGING A FAILURE TO PREVENT A FALL

**HOWEVER, REG 8 CAN BE USED IF THERE IS A DEFECT WITH A SPECIFIC PIECE OF WORK EQUIPMENT (go to next slide)**

# Defective working platforms



**TOWERS ARE COMMONLY USED IN ALL SECTORS**

**THIS SLIDE IS USED AS AN EXAMPLE TO SHOW HOW SCHEDULES AND REGULATIONS ARE LINKED**

**THIS SLIDE SHOWS DEFECTIVE TOWER SCAFFOLDS AND THE ASSOCIATED BREACHES IN THE REGULATIONS**

## **TOWER WITHOUT GUARDRAILS**

No fall prevention due to the absence of guardrails

This would be a 6(3), (4)(b) (No fall prevention) or **Reg 8(a) (Non compliance with Schedule 2 guardrails etc) breach.**

## **TOWER WITHOUT A SUITABLE SURFACE** (Inadequate working platform)

Working platform has gaps through which a person could fall (other defects also)

Would also be a 6(3) & 6(4) breach (No fall prevention) but also an **8(b) (working platform does not comply with Schedule 3) breach**

# Schedules link to the Regulations

Schedules	Regulations
1	6(3) or 6(4)(a)
2	6(3), 6(4)(b) or 8(a)
3	6(3), 6(4)(b), 8(a) and/or 8(b)
4	6(5)(a) and 8(c) and also 7(1)(a)
5	6(5)(a) and 8(d)
6	6(5)(b) and 8(e)



**INCLUDED THIS SLIDE AS A QUICK SUMMARY OF THE LINKS BETWEEN THE REGS AND THE SCHEDULES**

**LINKS SCHEDULES TO REG 8**

# Fragile surfaces (Reg.9)

- Same principle as Reg. 6 hierarchy
- Ensure no person at work passes across or near or works on, from or near a fragile surface ie AVOID
- PREVENT FALLS
- MITIGATE FALLS by minimising the distance and consequences



Warning notices at approaches

## **REMEMBER DEFINITION**

Means a surface which would be liable to fail if any reasonably foreseeable loading were applied to it

Includes asbestos cement sheets, skylights etc

Also includes bridged material in silos, crusted surface of sludge in lagoon, ice.

## **PROBLEM**

Average 10 deaths per year

# Avoid the need to pass across or near fragile surfaces



- Avoid the need to pass across
- Provides a walkway with guard rails etc.
- This is an existing (safe) means of access/egress



Reasonably practicable when regular access is needed across roofs eg to access plant or when a traffic route passes close to fragile materials.

Also prevent inadvertent access by fencing fragile surfaces eg the earlier example of the plant room next to a fragile suspended ceiling

# Avoid the need to work on or from a fragile surface



- Avoid the need to work
  - on
  - from, or
  - near
- Access work from underneath using a MEWP or a tower

# Prevent falls



Provide guard rails, coverings, suitable and sufficient platforms etc to prevent a fall through or off.

In this example, guard rails are provided to prevent access to the fragile skylights.

# Prevent falls



Coverings have been provided for fragile roof lights so that any foreseeable loading is being supported. Followed an accident when a person fell through an unprotected roof light.



# Prevent falls



Protection either side of a valley frame gutter which can be used for occasional access

# Mitigate falls



Where risk of a fall remains, provide suitable and sufficient measures to minimise the distance and consequences of a fall

Remember collective first (nets) the personal (fall arrest)

Fall arrest, ensure sufficient clearance and absence of obstructions

## Reg.9 cont.

- Assume a surface is fragile until proved otherwise by a competent person (Organisation and Planning Reg. 4)
  - Fragile surfaces can be vertical as well as horizontal
  - Consider loadings eg work equipment, materials as well as persons
  - Ageing can affect fragility (Org & Planning)
- Remember other fragile surfaces



### **OTHER FRAGILE SURFACES**

Bridged material in silos

Hard crust on sludge pool

# Warning notices for fragile surfaces



- Affix prominent warning notices at approaches to fragile surfaces
- Where this is not reasonably practicable, persons should be made aware by other means
- Does not apply to emergency services acting in an emergency

## WARNING NOTICES

### Fixed locations

Purpose is to warn people so that inadvertent access is prevented and to ensure that those that need to access are prompted to ensure adequate precautions are provided.

Signs are also a requirement of the Health and Safety (Safety Signs & Signals) Regs 1996 when risk cannot be avoided by other means.

### Work in progress

Don't insist on the provision of temporary signs unless there is a need for them.

## OTHER MEANS

It is recognised that it is not always reasonably practicable to provide signage.

**SO** in such cases ensure employees likely to work on or access fragile materials including **contractors are made aware** of their presence so adequate precautions are provided. **Permit to work systems** were necessary.

## EMERGENCY SERVICES AND SIGNS

Police, fire or other emergency services are exempt from providing warning notices during the course of their work.

## EMERGENCY SERVICES BEING MADE AWARE BY OTHER MEANS

Police and fire can use training and generic risk assessments to make their staff aware of fragile materials ie treat all surfaces as fragile until their condition is known.

# Falling objects (Reg.10)

- Prevent fall of material or object
- Prevent people from being struck by falling material or object
- Prevent unplanned or uncontrolled throwing or tipping from height
- Store material and objects safely



## **PREVENT FALL OF MATERIAL OR OBJECT**

Keep workplaces at height clear of loose material (Prevent fall of material/object from a work platform/position)

## **PREVENT PEOPLE BEING STRUCK**

Utilise barriers eg toe boards, brick guards, fans, debris nets

## **DO NOT THROW OR TIP MATERIAL**

Provide hoists, rubbish chutes, cordoned off areas.

## **STORAGE**

Ensure safe material or objects are stored safely eg bales of paper etc so they don't overturn or collapse.

## Danger areas (Reg.11)

- Where a workplace contains an area which owing to the nature of the work, there is a risk of
  - falling a distance
  - being struck by a falling object
- Then the workplace SFAIRP should be equipped with devices preventing unauthorised access



Such areas should be clearly indicated

**REG 6 PREVENT A FALL AND REG 10 PREVENT FALLING OBJECTS**  
takes precedence

### **BUT**

If danger area still exists and its not reasonably practicable to prevent fall or falling object

### **THEN**

Provide devices which prevent unauthorised access and clearly indicate (signs)

### **DEVICES**

Include barriers, guard rails, tape to demarcate such areas

### **CLEARLY INDICATED**

Unambiguous markings which convey it is dangerous to enter

Examples of danger areas

- Tree undergoing pruning (cone, tape, signs)
- Parts of a Demolition site (Heras fencing)
- Quarry face
- Area underneath rope access work (cone, tape, signs)

**THIS DUTY APPLIES TO PERSONS AT WORK. USE SECTION 3 FOR ISSUES INVOLVING MOP'S**

# Inspection of work equipment (Reg. 12)

- Inspection requirements are based on pre-existing duties
- Inspection duties for work equipment used for work at height are now in WAHR (LOLER still applies to some equipment)
- PUWER Reg 6 no longer applies to work equipment for use during work at height (now covered by Reg 12 WAHR)



CHSW inspection duties now in WAHR

LOLER will continue to apply to work equipment currently inspected under LOLER

**REFLECT PRE EXISTING DUTIES/DUTIES ALL IN ONE PLACE ‘NO CHANGE TO WHAT YOU ARE DOING NOW’**

Reg 6 of PUWER disappplied to work equipment used for work at height (Reg 17WAHR)

AND

Reg 29 and 30 and Schedule 7 of CHSWR repealed (See Schedule 8WAHR).  
Replaced by Reg 12 and Schedule 7 of WAHR.

**PUWER INSPECTION REQUIREMENTS NO LONGER APPLIES TO WORK EQUIPMENT USED FOR WORK AT HEIGHT BUT THE REST OF PUWER STILL APPLIES EG MAINTENANCE**

Use PUWER and LOLER ACOP for guidance on inspection requirements.

## **LOLER**

Anything inspected under LOLER requirements will continue to be inspected under LOLER **does not need re-inspection** under WAHR

# Requirements of Reg. 12

- Inspection after assembly or installation
- Inspection at suitable intervals and after exceptional circumstances
- Working platforms used in construction work require inspection every 7 days
- No work equipment leaves or is obtained from an undertaking without physical evidence of its last inspection either under WAHR or LOLER



## **INTRODUCTION**

Relates only to work equipment which Reg 8 applies eg guardrails etc, working platforms, collective safeguards, personal fall protection systems and ladders

**ASSEMBLY** means put together **INSTALLATION** means put into position  
(THE REGS TO NOT REQUIRE AN INSPECTION EVERY TIME A LADDER, TOWER OR MEWP MOVES ITS POSITION ON SITE)

**INSPECTION AT SUITABLE INTERVALS** based on risk assessment. Also after exceptional circumstances have occurred which are liable to jeopardise safety.

## **7 DAY INSPECTIONS**

**Working platforms (Work equipment only) used for construction work and from which a person could fall 2 metres or more, should be inspected every 7 days. Schedule 7 sets out the particulars to be included in the inspection. Includes scaffolds, MEWP's, tower scaffolds, mast climbers etc**

**Not personal suspension equipment the interval of which will be based on risk assessment.**

**PHYSICAL EVIDENCE** means documented proof or log entry. **INCLUDES A LABEL ON A LADDER.**



## Reg. 12 cont.

- Record results of an inspection
- Application of LOLER to personal fall protection systems
- Keeping of records



### **RECORD RESULTS OF AN INSPECTION**

Does not mean record an inspection every time a ladder, MEWP, TOWER or rope is moved.

### **KEEPING OF RECORDS FOR 7 DAY REQUIREMENT**

Prepare an inspection report before the end of the working period and within 24 hours provide a copy of the report to the person on whose behalf the 7 day inspection requirement was carried out.

Keep records for 3 months

### **NON 7 DAY INSPECTIONS**

Suitable interval etc inspection, keep record of inspection until the next inspection.

### **APPLICATION OF LOLER TO PERSONAL FALL PROTECTION SYSTEMS**

Will be explained in part 5 Schedules

# Inspection of places of work at height (Reg.13)

- Involves the checking of an existing place of work (place not needing work equipment to make safe)
- Before use, check condition of surface, parapet, permanent rail or other such fixed/existing fall protection measures



**WORK EQUIPMENT INSPECTION IS COVERED BY REG 12**

**EXISTING PLACES OF WORK ARE COVERED BY Reg 13**

**REQUIRES A VISUAL CHECK NOT AN INSPECTION**

## Compliance (Reg.13)

- Includes
  - fixed access/egress arrangements
  - fixed ladders
- Looking for obvious defects
  - corroded/missing guard rails
  - holes in floor
  - missing/damaged valley gutter protection for fragile surfaces



Inspect SFAIRP

- No requirement to record

### **INSPECT SFAIRP**

Often it may not be reasonably practicable to inspect before use

eg you may need to be accessing and therefore be working at height to check a surface or the condition of fixed ladder etc.

Not necessarily checked out at close quarters is permissible

However before work commences, a supervisor or experienced employee should check condition of access, floor, edge protection, condition of fixed access to a storage tank or silo etc before work begins.

### **RECORDING AN INSPECTION**

No requirement to record such an inspection

Promotes good practice

Not seeking to enforce for the provision of a formal inspection regime, seeking to encourage common sense

**There is a requirement in HSWA to maintain any place of work including its means of access and egress. Inspection should form part of a sensible maintenance regime.**

# Failure to inspect a place of work at height



## **ACCIDENT AT A QUARRY**

Salvaging electrical cables and water pipes from a conveyor due to be demolished. Access was via a fixed elevated walkway.

IP fell 7 metres when a section of the walkway collapsed beneath him. Examination showed severe corrosion of the walkway and adjacent floor panels. Non fatal, fractured right lower leg.

Conveyor walkway was not inspected prior to the work despite being redundant for a number of years. Found 95 category A defects after the accident. Fined £50,000.

Another quarry accident involved a worker falling 100 feet to his death after a guardrail gave way on an elevated walkway. 30 year old railing was corroded and unsafe. Lack of appropriate inspection was to blame.

## Duties of persons at work (Reg.14)

- Every person working under the control of another person shall report any activity or defect relating to WAH which is likely to endanger the safety of himself or another person
- Every person shall use any work equipment or safety device provided to him in accordance any training and instructions he has received



## Compliance (Reg.14)

- Duty is similar to requirement of Reg. 14 of MHSWR
- Compliments Section 7 HSWA
- Providing you have received appropriate training and information, you have a duty use work equipment safely and report any activity or defect relating to work at height



**Does not imply the need to PACE everyone at start of an investigation** as it does not currently occur under MHSW and Reg 7.

May be needed if initial findings show abuse/misuse of work equipment or knowledge of persistent offending by others eg working wrong side of edge protection.