

# Health and safety legislation essay sample



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Two of the most important pieces of health and safety legislation affecting educational establishments across the UK are the Health and Safety at Work, etc Act 1974 and the Management of Health and Safety at Work Regulations 1999. These set the standards that must be met to ensure the health and safety of all employees and others who may be affected by any work activity. Other regulations also exist to cover work activities that carry specific risks, for example lifting and carrying, computer work and electricity.

#### Health and safety at work Act 1974

The Health and Safety at Work etc Act 1974 , also referred to as HASAW or HSW, is the primary piece of legislation covering occupational health and safety in the United Kingdom. The Health and Safety Executive is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment. Statutory instruments are the secondary types of legislation made under specific Acts of Parliament. These cover a wide range of subjects, from control of asbestos at work, diving, escape and rescue from mines, ionising radiation and working at height.

#### The Electricity at Work Regulations 1989

These place a duty on employers to assess all foreseeable risks associated with work activities involving electricity. Employers are required to install safe systems of working, with well-maintained equipment, covering everything from power lines to kettles. All installation and repairs should be undertaken by a qualified electrician or those who have appropriate technical knowledge, though some minor repairs, inspections, fitting of plugs, etc may be undertaken by suitably trained staff.

The Control of Substances Hazardous to Health Regulations 2002 These regulations (often known as the COSHH regulations) require employers to assess and prevent (or at least adequately control) the risks to health from the use of any hazardous substances used in the workplace. A hazardous substance is one which has, by law, to be labelled as 'very toxic', 'toxic', 'harmful', 'irritant' or 'corrosive'. It therefore includes many chemical substances such as paints and cleaning materials, as well as wood dust. The obligations to employers are to:

- \* assess the risks
- \* decide what precautions are needed
- \* take steps to reduce or adequately control exposure to hazardous substances
- \* ensure that control measures are utilised and maintained
- \* monitor exposure
- \* carry out health surveillance of employees who have been or are likely to be exposed
- \* have in place emergency procedures to deal with accidents/incidents
- \* ensure that employees are properly informed, trained and supervised.

#### The Provision and Use of Work Equipment Regulations 1998

These regulations set out minimum standards for the use of equipment at work. The main requirements are for employers to:

- \* take account of working conditions and hazards when selecting equipment
- \* provide work equipment which conforms to relevant safety standards \*
- ensure that the work equipment is suitable for its intended purpose and used

only for that purpose \* maintain and keep the equipment in good working order

\* ensure that appropriate safety devices are available, if required \* issue staff with appropriate instructions, training and supervision to use the work equipment safely \* make sure that equipment is inspected after installation or after assembly at a new location.

### The Construction (Design and Management) Regulations 2007

These regulations cover the planning and management of construction projects. An essential part of a project's development is health and safety. Consequently, there is a duty on those involved in a construction project, such as the controller of buildings (ie the LA/governing body/headteacher/principal), contractors and designers to cooperate with each other to identify risks early on, and to report matters that are likely to endanger health and safety. There is also a duty to take appropriate measures to prevent the risk of injury to any person during the construction, which would include staff, pupils/students and visitors to the premises. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 Under these regulations (often referred to as RIDDOR), certain work-related accidents are reportable by law to the Health and Safety Executive or the local authority. The following must be reported: \* death of any person

\* a 'major injury' to any person at work

\* hospital treatment of any person who is not at work (eg pupil/student) \* an accident which results in a person at work being incapacitated for more than

three consecutive days (excluding the day of the accident) \* specified dangerous occurrences, eg building collapse

\* specified work-related diseases, eg mesothelioma and hepatitis.

Educational establishments should have clear guidelines on incident reporting and this should be conveyed to staff on the first day of their employment. The Workplace, (Health, Safety and Welfare) Regulations 1992 These regulations deal with physical conditions in the workplace and require employers to meet minimum standards in relation to a wide range of matters, which include:

\* maintenance of buildings and equipment

\* lighting

\* provision of drinking water

\* temperature

\* rest facilities

\* ventilation

\* toilet facilities

\* first aid.

Health and Safety (First Aid) Regulations 1981

These regulations require employers to provide:

\* adequate and appropriate first-aid equipment and facilities

\* an adequate number of qualified first aiders

\* an 'appointed person', if a first aider is absent, to take charge of first-aid arrangements, including looking after the equipment and calling the emergency services. The Approved Code of Practice to the regulations

stresses that the employer must make an assessment of first-aid needs.

Educational establishments should therefore take account of risks to pupils/students on and off site when considering their provisions for first aid.

### Disability Discrimination Act 1995

The Disability Discrimination Act 1995 defines a disability as a “ physical or mental impairment that has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”. To be substantial, the disability must last or be expected to last for at least 12 months.

However, those with cancer, MS or who are HIV positive are deemed to be disabled from the point of diagnosis. The act requires employers to ensure that disabled persons have safe access to premises and safe egress in the event of evacuation. They must also make any reasonable changes to the physical features of premises, hours of work, etc that may be necessary to accommodate the needs of disabled employees.

The Health and Safety (Display Screen Equipment) Regulations 1992 These regulations oblige employers to assess the workstations of staff who use display screen equipment (DSE). The workstation is the equipment itself, its accessories and the surrounding work environment. The minimum requirements of employers are to: \* identify “ users” of display screen equipment, ie those who habitually use DSE as a significant part of their normal work \* assess workstations to ensure that they meet minimum standards \* provide information, instruction and training on the potential hazards of using DSE equipment \* offer free eyesight tests to users of DSE equipment at regular intervals and to pay for spectacles that are required for the work \* review assessments.

## The Control of Asbestos at Work Regulations 2006

The Control of Asbestos at Work Regulations place specific duties on employers, owners and those in control of buildings to manage the risks from asbestos fibres that may be released when building or maintenance work takes place. The regulations require the following steps to be taken to manage the risk:

- \* find out if there is asbestos on the premises, its amount and what condition it is in
- \* presume materials contain asbestos, unless there is evidence that they do not
- \* make and keep up to date a record of the location and condition of the materials containing asbestos or which are presumed to contain asbestos
- \* carry out a risk assessment on materials containing asbestos
- \* prepare and implement a plan that sets out in detail how the risk from this material is going to be managed
- \* review and monitor the plan and the arrangements

\* provide information on the location and condition of the material to anyone who is liable to work on or disturb it (including staff).