



SAFETY, HEALTH & ENVIRONMENTAL FACT SHEET



WORKPLACE TEMPERATURES



safeguarding the future

The Workplace (Health, Safety and Welfare) Regulations 1992 lay down particular requirements for most aspects of the working environment. Regulation 7 of these Regulations deals specifically with the temperature in indoor workplaces and states that:

- During working hours, the temperature in all workplaces inside buildings shall be reasonable.

However, the application of the regulation depends on the nature of the workplace i.e. a bakery, a cold store, an office, a warehouse. The temperature in workrooms should provide reasonable comfort without the need for special clothing. Where such a temperature is impractical because of hot or cold processes, all reasonable steps should be taken to achieve a temperature which is as close as possible to comfortable. 'Workroom' means a room where people normally work for more than short periods.

The temperature in workrooms should normally be at least 16 degrees Celsius unless much of the work involves severe physical effort in which case the temperature should be at least 13 degrees Celsius. These temperatures may not, however, ensure reasonable comfort, depending on other factors such as air movement and relative humidity.

Where the temperature in a workroom would otherwise be uncomfortably high, for example because of hot processes or the design of the building, all reasonable steps should be taken to achieve a reasonably comfortable temperature, for example by:

- Insulating hot plants or pipes;
- Providing air-cooling plant;
- Shading windows;
- Siting workstations away from places subject to radiant heat.

Where a reasonably comfortable temperature cannot be achieved throughout a workroom, local cooling should be provided. In extremely hot weather fans and increased ventilation may be used instead of local cooling.

Where, despite the provision of local cooling, workers are exposed to temperatures which do not give reasonable comfort, suitable protective clothing and rest facilities should be provided. Where practical there should be systems of work (for example, task rotation) to ensure that the length of time for which individual workers are exposed to uncomfortable temperatures is limited.

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CONSIDERATIONS WHEN EMPLOYING AGENCY STAFF

Understand your duties in relation to agency workers' health and safety:

- When a business uses agency workers, the business and the agency have a shared duty to protect their health and safety.
- Some health and safety responsibilities depend on whether you are the employer. This is determined by the circumstances of each individual case (and you should be aware that agency workers could be considered your employees for health and safety purposes even if they are not for tax and National Insurance).

Health and safety risk assessment for agency workers:

- By law, businesses must ensure that they assess health and safety risks when using agency workers.
- If agency workers are on your site (either under your direct employ or through another company), your assessment needs to take them into account. You should take into account the special problems they may face. For example, they will know less about your business than ordinary employees, and so could be at greater risk.

Co-operate to protect agency workers' health and safety:

- Responsibility for agency workers' health and safety is often shared regardless of where contractual obligations lie. The business using the workers, the employment agency and the workers themselves can all have responsibilities. Co-operation is essential.

Agency workers and health and safety information and training:

- Each new work placement poses health and safety risks. It's essential that the business using the workers, the agency and the workers themselves share information to ensure worker health and safety is properly protected.
- You will need to think in particular about what health and safety information, instruction and training workers need (whether you are the user business or the agency), and clarify who will provide it to meet the legal duties you both have under the Management of Health and Safety at Work Regulations 1999.

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Ensure agency workers use health and safety equipment and follow procedures:

- Businesses using agency workers must ensure that the workers have the same level of health and safety protection as ordinary employees.
- For example, if user businesses provide employees with Personal Protective Equipment (PPE) such as protective clothing, agency workers will also need PPE if they are exposed to the same risks.
- Legal responsibility for providing this free of charge lies with whoever is the worker's employer - this might be the agency or the user business. If you're not the employer, you may agree to provide what is necessary (whether you're a user business or an agency), but you cannot charge the worker for it.

Monitor agency workers' health and safety:

- Depending on your assessment of the risks, you may need to carry out health checks on employees (whether you are the user business or the agency). For example, you might need to do this if employees work with chemicals that can damage health. While health checks are not a substitute for controlling risks, they can help you tell whether your controls are working.

Control agency workers' working hours:

- The Working Time Regulations set limits on working hours. They also set out workers' entitlement to rest breaks and to holidays. Unless agency workers are genuinely self-employed (running their own business), they are covered by the regulations.
- The worker's employer is responsible for complying with the regulations.

PFA Consulting provide consultancy advice covering Safety, Health and Environmental matters and would be pleased to undertake a review of your existing procedures.

Please contact us for further details.

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RISK ASSESSMENTS

The assessment of risk is the most important aspect of a safety management system. The results of the findings identify and evaluate significant hazards in the workplace. Once hazards have been identified, working procedures can be changed to remove or reduce these risks to acceptable levels and plans for improving information training and supervision can be instituted.

General Principles and Purpose of Risk Assessment

Regulation 3 of The Management of Health and Safety at Work 1999 requires all employers and self-employed people to assess the risks to workers and any others who may be affected by their work or business. This will enable them to identify the measures they need to comply with health and safety law. All employers should carry out a systematic general examination of the effect of their undertaking, their work activities and the condition of the premises.

Those who employ five or more employees should record the significant findings of that risk assessment.

A risk assessment is carried out to identify the risks to health and safety to any person arising out of, or in connection with, work or the conduct of their undertaking. It should identify how the risks arise and how they impact on those affected. This information is needed to make decisions on how to manage those risks so that the decisions are made in an informed, rational and structured manner, and the action taken is proportionate.

A risk assessment should usually involve identifying the hazards present in any working environment or arising out of commercial activities and work activities, and evaluating the extent of the risks involved, taking into account existing precautions and their effectiveness.

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EMPLOYING SUB-CONTRACTORS

The Health and Safety at Work etc Act 1974, Section 3 requires employers (and the self-employed) to ensure that non-employees (eg the general public, contractors and contract staff) do not have their health and safety adversely affected by the employer's actions and, where necessary, to give such people information about hazards.

The Management of Health and Safety at Work Regulations 1999 states:

In any client/contractor relationship, both parties have duties to ensure that their employees, other contractors and members of the public are not put at risk by the work being undertaken.

- Key requirements of the Regulations are:

Identifying the Work

The client needs to clearly identify all aspects of the work they want the contractor to do. The client needs to consider the health and safety implications of the work required. The level of risk will depend on the nature of the work and this will require the client to undertake an assessment of the risk. The risk assessment will enable the client to make the following decisions:

- What level of competency or licensing is required by the contractor
- Information and training required
- Methods of co-ordination and communication between different parties
- Level of management and supervision required

Selection of Contractor

Clients need to satisfy themselves that contractors are competent to do the job required safely and without risks to health and safety. The degree of competency required will depend on the level of risk associated with the work required. To assess a contractors competency it is necessary to review their experience with work involved, their health and safety management systems and performance records etc.

Co-operation and Co-ordination

The client is required to set up liaison arrangements between all parties to ensure that they co-operate and co-ordinate activities to ensure maintenance of health and safety at all workplaces and anyone else likely to be affected.

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EMPLOYING SUB-CONTRACTORS

Risk Assessment

The client is required to undertake a risk assessment for work activities of their own business. The contractor must assess the risks for the contracted work. This information must be then exchanged and agreed so that the necessary preventative and protective steps are applied when work is in progress. If sub-contractors are involved they should also be included in any discussion and agreement.

Management and Supervision

Clients need to effectively manage and supervise the work of contractors. The level of management required will vary depending on the level of risk to health and safety posed by the work. There is a need to monitor the contractors and sub-contractors health and safety performance as work progresses. Where problems occur it is the client's responsibility to investigate, have all matters of health and safety concerns put right and if necessary stop the work until requirements can be met.

Public Liability Insurance

Even when every effort has been made to ensure that everything runs smoothly, an upset or mistake can still occur. Any organisation should always very seriously consider taking out Public Liability Insurance to provide adequate protection against the unknown. Public Liability Insurance protects an organisation should a member of the public or any other third party suffer damage to property or injury to their person due to the negligence of any member of the organisation.

Public Liability Insurance is not, as yet, a legal requirement but too many Voluntary Sector Organisations operate without it. Public Liability Insurance, particularly for the smaller organisation, is relatively inexpensive when arranged by a Voluntary Sector Insurance Specialist. Most Public Liability Insurance Policies these days will carry a maximum limit of indemnity (or maximum payment for any one event) of £2 million. Indeed, many Local Authorities will insist that organisations that use their premises have Public Liability Insurance with a limit of indemnity of at least £5 million.

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TOILET FACILITIES FOR STAFF



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Workplace (Health, Safety and Welfare) Regulations 1992 and the Approved Code of Practice (ACOP) that goes with these Regulations state that employees must be provided with "adequate" washing and toilet facilities. This means that they must meet the following criteria:

- be clean, well lit and ventilated;
- contain toilet paper and sanitary disposal facilities;
- have hot and cold running water and soap;
- have a wash basin and a method of drying hands;
- contain showers where the nature of the business makes showering necessary.

Both men & women may use the same toilet facilities provided they are lockable from inside. You should ensure that toilet facilities for disabled people are adequately designed to allow unrestricted access, including for wheelchair users, and that special facilities such as grip handles and accessible sinks/hand dryers are incorporated in the design.

The ACOP gives precise details as to numbers of toilets and hand basins required for the number of employees:

No. of workers	No. of toilets and washbasins
■ 1-5	1
■ 6-25	2
■ 26-50	3
■ 51-75	4
■ 76-100	5

Thereafter one additional toilet for every 25 additional staff employed.

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