

A Guide to the Workplace (Health, Safety and Welfare) Regulations 1992

Business Information Factsheet
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Introduction

The Workplace (Health, Safety and Welfare) Regulations 1992 (the Regulations) require that all workplaces meet the health, safety and welfare needs of all employees, including those with disabilities or additional needs. The Regulations have been amended by subsequent legislation, including the Health and Safety (Miscellaneous Amendments) Regulations 2002, the Work at Height Regulations 2005 and the Construction (Design and Management) Regulations 2015.

In Northern Ireland, similar provisions are made under the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993.

This factsheet explains what is covered by the Regulations, what must be done to comply with the law, and penalties for non-compliance.

What do the Regulations cover?

The Regulations define a 'workplace' as any non-domestic premises, or parts of non-domestic premises, that are available as places of work and to which employees have access while they are at work. This includes any room, lobby, corridor, staircase or private road that employees use as a way into or out of their place of work. It also includes places where facilities are provided for use in connection with the place of work (other than public roads). An example of this is washroom facilities that are available to staff, but are located in a different building.

As workplaces do not include domestic premises, the Regulations do not cover working at home. However, employers still have duties towards employees working from home under other health and safety legislation.

Construction sites (including site offices) are regulated separately by the Construction (Design and Management) Regulations 2015. However, when a workplace is undergoing construction work, the Regulations continue to apply, in addition to the Construction (Design and Management) Regulations, unless the area under construction is fenced off.

The Regulations place duties on employers, but they also place duties on anyone who has any degree of control over the workplace, such as premises owners or landlords, who must ensure that the workplace complies with the Regulations regarding matters within their control. They will not be held responsible for breaches considered to be outside their control.

The Regulations also include specific provisions for how and when they apply in certain circumstances, relating to transport, mines and quarries, construction sites, temporary work sites, fishing boats and agricultural or forestry workplaces.

What obligations are imposed under the Regulations?

The Regulations include detailed provisions covering the following aspects of the working environment:

Maintenance of the workplace and equipment

Employers and workplace owners need to make sure that they set up and follow effective maintenance procedures for the workplace and any equipment, devices and systems covered by the Regulations. These must be maintained at all times in efficient working order and in good repair. All defects must be remedied as soon as possible and records should be kept of any action taken.

Separate regulations cover the maintenance of work equipment, personal protective equipment and electrical systems, and the competence of people appointed to oversee health and safety matters. See BIF 2, An Introduction to Health and Safety Regulations, for information about these.

Ventilation

Any enclosed workplaces need to be kept well ventilated with fresh or purified air. Air-conditioning systems must be cleaned and tested regularly in order to avoid contamination. In close, humid workplaces, employees must be allowed to take breaks in well-ventilated areas. Employees should not be exposed to uncomfortable draughts and reasonable steps should be taken to minimise offensive smells.

Temperature in indoor workplaces

The Regulations stipulate that workplace temperatures should provide reasonable comfort without the need for special clothing. If this cannot be achieved, all reasonable steps should be taken to get as close as possible to this level of comfort.

The Approved Code of Practice (ACOP) published by the Health and Safety Executive (HSE) recommends a minimum temperature of 16°C in any indoor workplace, unless the work being carried out requires 'rigorous' physical effort, in which case it should be a minimum of 13°C.

There is currently no maximum recommended working temperature, although employers need to make sure that they comply with the 'reasonable comfort' requirement. They must provide enough thermometers to enable employees to check the temperature in any workplace.

Heating or cooling systems must not emit dangerous or offensive fumes or vapour, and should be installed and maintained correctly.

Lighting

As far as is practicable, lighting should be natural. It should be sufficient to allow safe movement within the workplace and to avoid eyestrain. Stairs and fire escapes should be well lit. Lighting should not cause glare, and fittings should be well maintained and positioned to avoid any hazard. Back-up systems should be provided in workplaces where lighting failure could present a serious risk to health.

Cleanliness and waste materials

Workplaces, including their furniture, furnishings and fittings, must be kept 'sufficiently' clean. The standard of cleanliness required will depend on how the workplace is used. For example, a vehicle repair workshop will have different cleanliness standards to a restaurant kitchen. The surfaces of floors, walls and ceilings of workplaces inside buildings should be suitable for cleaning to an acceptable standard.

Waste materials should not be allowed to accumulate in the workplace except in suitable areas.

The use of certain cleaning products is governed by the Control of Substances Hazardous to Health Regulations 2002 (COSHH). See BIF 22, A Guide to the Control of Substances Hazardous to Health Regulations 2002 (COSHH).

Room dimensions and space

Enough space should be allowed for employees to have freedom of movement. This includes providing sufficient floor area, height and unoccupied space for purposes of health, safety and welfare. With some exceptions for workspaces that are necessarily small (such as sales kiosks and machine control cabs), the ACOP recommends a minimum of 11 cubic metres per person, but warns that this may be insufficient if much of the space is taken up with furnishing or equipment.

Workstations and seating

Workstations must be arranged to allow work to be carried out safely and comfortably, taking into account the needs of particular individuals and their tasks. Seating should provide support and comfort to avoid awkward posture that may result in injury, and a suitable footrest should be provided where necessary. Workstations where visual display units are used are regulated under the Health and Safety (Display Screen Equipment) Regulations 1992 (as amended). The HSE has published 'Working with Display Screen Equipment (DSE): A Brief Guide' (www.hse.gov.uk/pubns/indg36.pdf), which provides further guidance.

Condition of floors

Floors should be sound and safely constructed, with no holes, slopes or uneven or slippery surfaces that may cause a risk to a person's health or safety. Floors must have an effective means of drainage where necessary. Uneven or slippery surfaces or holes can cause accidents, so precautions must be taken until the defects can be remedied.

Floors must be kept free of obstructions or substances that may cause a fall or impede access. Ramps, stairs and slopes may need handrails or fencing.

Risk of falls or falling objects

Most of the Regulations' provisions concerning falls have been replaced by the Work at Height Regulations 2005. The HSE publishes information about the requirements of the Work at Height Regulations in 'Working at Height: A Brief Guide' at www.hse.gov.uk/pubns/indg401.pdf.

However, provisions in the Workplace Regulations relating to tanks, pits or other structures where there is a risk of a person falling into dangerous substances still apply. These structures must be securely covered or fenced. When this is not possible, effective measures should be taken to prevent falls. These measures might include, for example, requiring formal written

permission to work in high-risk areas and providing training, supervision and personal fall-protection equipment.

Construction of windows and transparent doors, gates and walls

Where necessary, windows and transparent doors and walls should be constructed of safety materials or protected against breakage, and should be appropriately marked to ensure that they are clearly visible.

Windows, skylights and ventilators

The opening and position of windows, skylights and ventilators must not expose anyone to risk. Where required, poles or similar equipment to help open windows should be provided. Once open, windows should not project into an area where people are likely to collide with them. They should be high enough above the floor to prevent any falls from them. The Regulations also include provisions covering the safe cleaning of windows.

Traffic routes

A traffic route is defined in the Regulations as a route for pedestrians, vehicles or both, and includes stairs, fixed ladders, doorways, gates, loading bays and ramps. Workplaces must be organised in such a way that pedestrians and vehicles can travel around safely. There must be sufficient routes of the right size and location for their purpose. They must not endanger those working near the route.

Any vehicle route must be adequately separated from doors, gates or pedestrian paths leading onto it. Where vehicles and pedestrians share a route, they must have sufficient separation. Special consideration should be given to partially sighted people and people with restricted mobility. The ACOP makes recommendations about speed limits, visibility, separation of people and vehicles, crossings, loading bays and signs. Special provisions apply relating to the width and height of traffic routes in place before 1 January 1993, which are only required to comply with the Regulations so far as is reasonably practicable.

Doors and gates

These must be suitably constructed for their purpose (including being fitted with any necessary safety devices). Sliding doors should be unable to come off their tracks during use, and upward-opening doors should be unable to fall back. Powered doors or gates should have features to prevent anyone becoming trapped and may require additional manual means of operation. The approach to doors or gates that swing either way should provide a view of the other side, for example through a transparent panel.

Escalators and moving walkways

These must function safely and should be equipped with safety devices and stop controls as necessary.

Sanitary conveniences and washing facilities

Suitable facilities should be readily accessible, ventilated, well lit and be kept clean and orderly. Separate lavatories, and showers if provided, should be supplied for men and women unless

each is a separate room that can be locked from the inside. Washing facilities should be located in the immediate vicinity of every lavatory, as well as near to changing rooms, and must have a supply of clean hot and cold water, soap and towels (or other means of drying). For remote and temporary workplaces, chemical or other suitable facilities should be provided.

The ACOP specifies minimum numbers of lavatories that should be provided according to the size of the workforce. For example, there should be at least two for a workforce of 6-25 people and three for 26-50 people.

Drinking water

Adequate supplies of clean drinking water should be available at all workplaces. Drinking water and water that may be unfit for consumption must be clearly identified. Drinking vessels should be provided unless water is supplied from a drinking fountain.

Accommodation for clothing and changing facilities

Suitable facilities should be provided to store employees' own clothing that is not worn at work and to store work clothing that is not taken home. The storage facilities must be secure. Clothes-drying facilities must be provided where necessary and be in a suitable location. Separate storage should be provided for clothing worn at work and other clothing if this is necessary to avoid risks to health or damage to clothing.

Changing rooms should be provided if employees have to change into special clothing and cannot be expected to change in another room. Changing facilities should provide privacy, with separate rooms for men and women unless each facility is for one person and can be locked from the inside.

Facilities for rest and meals

Clean, well-maintained rest facilities and areas in which to eat meals should be available. The rest areas should be equipped with an adequate number of tables and seats with backs. Seating for any employees with disabilities should be adequate for their needs. Facilities should be provided to allow any pregnant worker or nursing mother to rest.

Disabled persons

Those parts of the workplace (particularly doors, passageways, stairs, showers, washbasins, lavatories and workstations) used by employees with disabilities must be accessible to them and adaptations must be made where necessary to meet their specific needs.

How are the Regulations enforced, and what are the penalties for non-compliance?

Health and safety inspectors from the HSE and local authorities enforce the Regulations. Serious breaches can incur prison sentences. Magistrates' courts can impose a fine of up to £20,000 and Crown Courts can impose unlimited fines.

Hints and tips

- Failure to comply with the Regulations can result in costly fines for employers and workplace owners. If in doubt about the obligations imposed by the Regulations, contact a solicitor who specialises in health and safety law, or a qualified health and safety consultant.
- Employers also need to make sure that their employees are aware of their responsibilities. It is a good idea to display posters in the workplace to remind employees of their duties under health and safety legislation and to inform them of recommended procedures.
- Advice and details about how the Regulations may be put into practice are available from the HSE. Go to www.hse.gov.uk/Toolbox/workplace/facilities.htm for further information.
- Local authority environmental health officers can also be contacted for advice about complying with the Regulations.

Further information

BIF 2 An Introduction to Health and Safety Regulations

BIF 5 A Guide to the Building Regulations 2010

BIF 22 A Guide to the Control of Substances Hazardous to Health Regulations 2002 (COSHH)

BIF 39 A Health and Safety Compliance Checklist

BIF 122 Fire Safety Measures in Business Premises

BIF 140 A Guide to the Management of Health and Safety at Work Regulations 1999

BIF 412 A Guide to Health and Safety Regulations for IT Equipment

Useful publications

'Workplace Health, Safety and Welfare: Workplace (Health, Safety and Welfare) Regulations 1992 Approved Code of Practice and Guidance'

Health and Safety Executive (HSE)

Website: www.hse.gov.uk/pubns/priced/l24.pdf

Useful contacts

The Health and Safety Executive (HSE) is responsible for health and safety regulation in Great Britain. It publishes guidance on the health and safety obligations of employers.

Website: www.hse.gov.uk

The Health and Safety Executive Northern Ireland (HSENI) is responsible for health and safety regulation in Northern Ireland. It provides information about the health and safety obligations of employers.

Tel: 0800 0320 121

Website: www.hseni.gov.uk

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