

FIRE SERVICES EXAMINATIONS BOARD

STUDY NOTE

EXAMINATION	STATION OFFICERS' EXAMINATION
PAPER	HUMAN RESOURCE MANAGEMENT
SUBJECT	HEALTH, SAFETY AND WELFARE
ITEM	MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS
STUDY NOTE No.	3314

INTRODUCTION TO THE STUDY NOTE

This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.

Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:

The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.

MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS

1. Introduction

The Management of Health and Safety at Work Regulations 1999 (MHSWR) establish a framework for the effective management of health and safety within an organisation.

It is important for a Station Manager to have an awareness of these regulations in order to undertake their role within the brigade.

This study note briefly outlines the regulations.

2. The Regulations

In broad terms, the MHSWR can be said to create an infrastructure that employers need, in order to comply with their general duties under the Health and Safety at Work etc Act 1974 (HASWA).

The regulations cover the following main areas:

- (a) Risk assessment;
- (b) Principles of prevention to be applied;
- (c) Health and safety arrangements;
- (d) Health surveillance;
- (e) Appointment of competent persons;
- (f) Emergency procedures;
- (g) Contacts with external services;
- (h) Information;
- (i) Co-operation and co-ordination;
- (j) Employees' duties;
- (k) Capabilities and training;
- (l) New or expectant mothers, and
- (m) Protection of young persons.

3. Risk Assessment

In its application to the Fire Service, the MHSWR require brigades to carry out a suitable and sufficient assessment of the risks to health and safety of their employees and of others affected by their work. The purpose of risk assessment is to:

- (a) Identify the measures needed to comply with their general duties under HASWA and the more specific duties in various acts and regulations associated with HASWA;
- (b) Review those measures when there have been significant changes or if there are reasons to suspect that they are no longer valid; and
- (c) Provide those risk assessments in writing or in some other way that is easily retrievable. They should include the significant findings of the assessment and details of any group of employees identified as being significantly at risk.

4. Principles of Prevention to be Applied

Where an employer implements any preventative and protective measures they shall be on the basis of the principles set out below:

- (a) Avoiding risks;
- (b) Evaluating the risks which cannot be avoided;
- (c) Combating the risks at source;
- (d) Adapting the work to the individual, especially the design of workplaces, the choice of work equipment and the choice of working and production methods, with the particular intention to reducing their effect on health;
- (e) Adapting to technical progress;
- (f) Replacing the dangerous by the non-dangerous or the less dangerous;
- (g) Developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and factors relating to the working environment;
- (h) Giving collective protective measures priority over individual protective measures; and
- (i) Giving appropriate instructions to employees.

5. Health and Safety Arrangements

Brigades must have in place appropriate arrangements for the effective:

- (a) Planning;
- (b) Organisation;
- (c) Control; and
- (d) Monitoring and review

of the preventative and protective measures. This information must also be included in, for example, the Brigades Health and Safety Policy.

6. Health Surveillance

Brigades are required to ensure that employees are provided with health surveillance appropriate to any risks to their health and safety, which are identified in the risk assessments.

The objectives of health surveillance are to detect adverse effects at an early stage, thereby enabling steps to be taken to prevent any further harm.

7. Appointment of Competent Persons

Employers must appoint one or more competent persons to assist in undertaking the measures necessary to comply with the relevant statutory provisions.

For the purposes of this regulation, a competent person is defined as one who has sufficient training and experience or knowledge and other qualities, which enable them to provide proper assistance in such matters.

Where there is a competent person in the employer's employment, that person shall be appointed in preference to a competent person not in his employment.

8. Emergency Procedures

Employers are required to:

- (a) Establish and effect appropriate procedures to be followed in the event of serious and imminent danger to persons at work in their undertaking;
- (b) Nominate persons competent to implement evacuation procedures; and
- (c) Restrict access to danger areas in certain circumstances.

Employees exposed to the danger should:

- (a) Be informed of the nature of the hazard and the protective steps, so far as reasonably practicable, taken to protect them from it;
- (b) Be able to stop work in the absence of guidance or authorisation and in the light of their knowledge and technical means at their disposal immediately proceed to a place of safety if exposed to serious, imminent and unavoidable danger;
- (c) Save in exceptional cases, not resume work in any situation where there is still a serious and imminent danger.

9. Contacts with External Services

Every employer shall ensure that any necessary contacts with external services are arranged, particularly as regards first aid, emergency medical care and rescue work.

10. Information

Brigades are required to provide comprehensible and relevant information to employees on:

- (a) Risks to their health and safety identified in any risk assessment;
- (b) Preventative and protective measures;
- (c) Emergency procedures;
- (d) The persons appointed to implement emergency evacuation procedures; and
- (e) The risks arising from the activities of their employees who share the same workplace.

11. Co-operation and Co-ordination

Where employers are sharing a workplace, whether or not permanently, each employer is required to:

- (a) Co-operate with the other employers concerned so far as necessary to comply with the health and safety requirements;
- (b) Take reasonable steps to co-ordinate their health and safety measures with those of the other employers; and
- (c) Take all reasonable steps to inform the other employers concerned of the risks to their employee's safety arising of their undertaking.

An example of this would be a contractor decorating a fire station.

12. Employees' Duties

Every employee shall use any machinery, equipment, dangerous substances, transport equipment, means of production or safety device provided to him/her by the employer in accordance both with any training in the use of the equipment concerned which has been received and the instructions respecting that use which have been provided to him/her by the employer.

Every employee shall inform his/her employer or any other employee of that employer with specific responsibility for the health and safety of his/her fellow employees of:

- (a) Any work situation which a person with the above training and instruction reasonably considers to represent a serious and immediate danger to health and safety; and
- (b) Of any matter, which a person with the above training and instruction reasonably considers, being a shortcoming in the employer's protection arrangements for health and safety.

13. Capabilities and Training

In entrusting tasks to employees, Brigades must:

- (a) Ensure that the demands of the work given to employees do not exceed their ability to carry out the work without risk to themselves or others; (taking into account their capabilities, level of training, knowledge and experience) and
- (b) Ensure that adequate health and safety training is given to employees upon recruitment and on exposure to new or increased risks, and be repeated periodically.

14. New or Expectant Mothers

Where the persons working in an undertaking include women of childbearing age and the work is of a kind, which could involve risk by reason of her condition to the health and safety of a new or expectant mother or to that of her baby, there shall be an assessment of such risk and the employer shall take appropriate action, if it is reasonable to do so, to avoid such a risk by possibly altering the working conditions or hours of work etc.

However, in this respect, the employer is not required to take any action in relation to an employee until she has notified the employer in writing that she is pregnant, has given birth within the previous six months, or is breast feeding.

15. Protection of Young Persons

Every employer shall ensure that young persons employed are protected at work from any risks to their health or safety which are consequential to their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.

This requirement is applicable to all young persons employed in brigades and is of particular importance to those employed on 'Junior Firefighter or Young Firefighter Schemes'.

The requirements relating to the protection of young persons are described in detail in The Management of Health and Safety at Work Regulations 1999 and are beyond the scope of this study note.

References

A Guide for Managers – Fire Service Health and Safety Guide Volume 2
Successful Health and Safety Management, HSG 65 – Health & Safety Executive
The Management of Health and Safety at Work Regulations 1999