

The Working at Heights Regulations 2005

Premier Cleaning expects all staff to be fully conversant with these regulations. Window cleaning staff will be tested periodically to ensure they are aware of these. Any cleaning operative who does not show a good working knowledge of these regulations will be withdrawn from service until they are able to demonstrate otherwise.

Reproduced from HSE

In 2005/06 falls from height accounted for 46 fatal accidents at work and around 3350 major injuries. They remain the single biggest cause of workplace deaths and one of the main causes of major injury. This document is written for employers, the self-employed and anyone who works at height. It tells you what you need to do to comply with the Work at Height Regulations 2005, as amended by the Work at Height (Amendment) Regulations 2007. The Regulations apply to all work at height where there is a risk of a fall liable to cause personal injury.

Using this information.

1 This document summarises what you need to do to comply with the Work at Height Regulations 2005. Some industry/trade associations may have produced more detailed guidance about working at height. You can also find more information on the HSE website.

2 It has been written so that in most cases it can be used without access to the Regulations. However, it may be useful to have the Regulations to hand if you require more information.

Why are these rules important?

3 These Regulations have been made to prevent the deaths and injuries caused each year by falls at work.

4 They replace all the earlier regulations about working at height. The Work at Height Regulations 2005 consolidate previous legislation on working at height and implement European Council Directive 2001/45/EC concerning minimum safety and health requirements for the use of equipment for work at height (the Temporary Work at Height Directive).

What is 'work at height'?

Regulation 2

5 A place is 'at height' if (unless these Regulations are followed) a person could be injured falling from it, even if it is at or below ground level.

6 'Work' includes moving around at a place of work (except by a staircase in a permanent workplace) but not travel to or from a place of work. For instance, a sales assistant on a stepladder would be working at height, but we would not be inclined to apply the Regulations to a mounted police officer on patrol.

What do the Schedules to the Regulations cover?

7 They cover the detailed requirements for: Schedule

Do the rules apply to you?

Regulations 3 and 14

8 The Work at Height Regulations 2005 apply to all work at height where there is a risk of a fall liable to cause personal injury. They place duties on employers, the self-employed, and any person who controls the work of others (eg facilities managers or building owners who may contract others to work at height) to the extent they control the work.

9 Paid instructors or leaders of caving or climbing activities may use recognised alternative means of rope access and work positioning that do not make provision for two separately anchored ropes, providing they maintain an equivalent level of safety.

10 If you are an employee or working under someone else's control, regulation 14 says you must:

- report any safety hazard to them;
- use the equipment supplied (including safety devices) properly, following any training and instructions (unless you think that would be unsafe, in which case you should seek further instructions before continuing).

Special cases

Regulations 3, 15 and 16 and Schedule 2

11 In certain cases the Regulations can apply outside Great Britain. (For details see regulation 3(1).)

12 There are some exemptions for shipping, offshore installations, and docks. (For details see regulations 3(4) – 3(6) and 16.) People and organisations acting in the interests of national security may be exempted by the Secretary of State for Defence.

13 You may ask the Health and Safety Executive (HSE) to exempt certain people, premises, equipment, or activity from some of the regulations relating to guard rails and the like, but you will have to show that there is no risk to anyone's health or safety. (For details see regulation 15 and Schedule 2.)

What you must do as an employer.

Overriding principle

Regulation 6(3)

14 You must do all that is reasonably practicable to prevent anyone falling.

The Regulations hierarchy

15 The Regulations set out a simple hierarchy for managing and selecting equipment for work at height.

Dutyholders' responsibilities

16 The Regulations require dutyholders to ensure:

- all work at height is properly planned and organised;
- all work at height takes account of weather conditions that could endanger health and safety;
- those involved in work at height are trained and competent;
- the place where work at height is done is safe;
- equipment for work at height is appropriately inspected;
- the risks from fragile surfaces are properly controlled; and
- the risks from falling objects are properly controlled.

Planning

Regulations 4 and 6(1, 2)

17 You must:

- ensure that no work is done at height if it is safe and reasonably practicable to do it other than at height;
- ensure that the work is properly planned, appropriately supervised, and carried out in as safe a way as is reasonably practicable;
- plan for emergencies and rescue;
- take account of the risk assessment carried out under regulation 3 of the Management of Health and Safety at Work Regulations.

Weather

Regulation 4(3, 4)

18 You must ensure that the work is postponed while weather conditions endanger health or safety (but this does not apply to emergency services acting in an emergency).

Staff training

Regulations 5 and 6(5)(b)

19 You must ensure that everyone involved in the work is competent (or, if being trained, is supervised by a competent person). This includes involvement in organisation, planning, supervision, and the supply and maintenance of equipment.

20 Where other precautions do not entirely eliminate the risk of a fall occurring, you must (as far as it is reasonably practicable to do so) train those who will be working at height how to avoid falling, and how to avoid or minimise injury to themselves should they fall.

The place where work is done

Regulation 6(4)

21 You must ensure that the place where work is done at height (including the means of access) is safe and has features to prevent a fall, unless this would mean that it is not reasonably practicable for the worker to carry out the work safely (taking into account the demands of the task, equipment and

working environment). Detailed safety requirements about where work is done at height are set out in Schedule 1.

Equipment, temporary structures, and safety features

Regulations 6(4)(b), 6(5)(a, b), 7, 8 and 12

22 If you rely on the exception in paragraph 21 above, you must provide equipment for preventing (as far as is reasonably practicable) a fall occurring.

23 If the precautions in paragraphs 21 and 22 do not entirely eliminate the risk of a fall occurring, you must do all that is reasonably practicable to minimise the distance and effect of a fall.

24 When selecting equipment for work at height you must:

- use the most suitable equipment;
- give collective protection measures (e.g. guard rails) priority over personal protection measures (e.g. safety harnesses);
- take account of:
 - the working conditions; and
 - risks to the safety of all those at the place where the work equipment is to be used.

25 You must ensure that all equipment, temporary structures (eg scaffolding), and safety features comply with the detailed requirements of Schedules 2 to 6.

Inspections

Regulations 12 and 13

26 'Inspection' is defined by regulation 12(10) as 'such visual or more rigorous inspection by a competent person as is appropriate for safety purposes...(including) any testing appropriate for those purposes'.

27 You must ensure (as far as it is reasonably practicable to do so) that each individual place at which work is to be done at height is checked on every occasion before that place is used. This involves checking the surface and every parapet, permanent rail etc.

28 You must ensure that any item of a type mentioned in Schedules 2 to 6 is inspected:

- after it is assembled or installed (or after it has been assembled and installed if both are required), if its safety depends on how it is assembled or installed;
- as often as is necessary to ensure safety, and in particular to make sure that any deterioration can be detected and remedied in good time.

29 You must ensure that before you use any equipment which has come from another business, and before any equipment leaves your business, it is accompanied by an indication (clear to everyone involved) that the last inspection required by these regulations has been carried out. *Note: This does not apply to lifting equipment governed by regulation 9(4) of the Lifting Operations and Equipment Lifting Regulations 1998, but since that rule is similar to this one there is little practical difference.*

30 You must ensure that any platform used for (or for access to) construction work and from which a person could fall more than 2 m is inspected in place before use (and not more than seven days before use). Where it is a mobile platform, inspection at the site is sufficient without re-inspection every time it is moved. *Notes: 'Construction work' is defined in detail in regulation 2(1) of the Construction (Health, Safety and Welfare) Regulations 1996 but broadly means 'the carrying out of any building, civil engineering or engineering construction work'. 'Platform' is widely defined by regulation 2 to include areas like gangways and stairways.*

31 You must ensure that the person inspecting a platform (as required in paragraph 30):

- prepares a report before going off duty, giving the details listed in Schedule 7;
- gives the report (or a copy) within 24 hours of completing the inspection to the person for whom the inspection was done (eg you or your site manager).

32 You must keep the report of a platform inspection made under the instructions given in paragraphs 30 and 31:

- at the construction site until the work is completed;
- then at an office of yours for another three months.

33 'Keeping' a report means keeping it (or a copy) safe from loss and unauthorised interference, and so that a printed copy can be supplied when required.

34 You must keep all other records of inspection until the next inspection has been carried out.

35 Paragraphs 31 to 33 do not apply to lifting equipment governed by the similar rules imposed by regulations 9 and 10 of the Lifting Operations and Lifting Equipment Regulations 1998.

Fragile surfaces

Regulation 9

36 You must ensure that no one working under your control goes onto or near a fragile surface unless that is the only reasonably practicable way for the worker to carry out the work safely, having regard to the demands of the task, equipment, or working environment.

37 If anyone does work on or near a fragile surface you must:

- ensure (as far as it is reasonably practicable to do so) that suitable platforms, coverings, guard rails, and the like are provided (and used) to minimise the risk;
- do all that is reasonably practicable, if any risk of a fall remains, to minimise the distance and effect of a fall.

38 If anyone working under your control may go onto or near a fragile surface, you must do all that is reasonably practicable to make them aware of the danger, preferably by prominent warning notices fixed at the approaches to the danger zone.

Falling objects

Regulations 10 and 11

39 Where it is necessary to prevent injury, you must do all that is reasonably practicable to prevent anything falling.

40 If it not reasonably practicable, you must ensure that no one is injured by anything falling.

41 You must ensure that nothing is:

- thrown or tipped from height if it is likely to injure anyone;
- stored in such a way that its movement is likely to injure anyone.

42 If the workplace contains an area in which there is a risk of someone being struck by a falling object or person, you must ensure that the area is clearly indicated and that (as far as reasonably practicable) unauthorised people are unable to reach it.