

LEAFLET 32**HEALTH AND SAFETY ON MULTI-OCCUPIER SITES****CONTENTS****Para****LEAFLET FOR LINE MANAGERS**

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LEAFLET FOR LINE MANAGERS**LEGISLATIVE REQUIREMENT**

1 The Management of Health and Safety at Work Regulations 1999 (MWHSR), require employers actively to manage health and safety in the workplace. Part of this requirement involves the need to co-operate and co-ordinate activities with other employers sharing the workplace so far as is necessary to ensure compliance with statutory provisions. Reorganisation, the contracting out of services i.e. Public Private Partnerships, Prime Contracting and the devolution of budgets to TLBH's have resulted in the growth of more fragmented management structures on many MoD sites and in the consequent need for guidance to assist MoD managers in discharging these statutory requirements within existing and rapidly changing management framework.

2 The Health and Safety at Work etc Act 1974 (HSWA) place general duties upon MOD to ensure, so far as is reasonably practicable;

2.1 The health safety and welfare at work of MOD employees;

2.2 That persons not employed by MOD are not exposed to risks to their health and safety as a result of MoD work activities.

3 These general duties are made more explicit in the MHSWR. The Regulations relate to employers sharing sites and to employees working in another employer's workplace and are of particular significance in this context.

4 The Regulations place duties on MOD as an employer sharing a workplace:

4.1 To co-operate with other employers in that work place so far as is necessary to enable each to comply with the relevant statutory provisions;

4.2 To take all reasonable steps to co-ordinate with those employers the measures to be taken to ensure that their respective obligations are met; and

- 4.3 To take all reasonable steps to inform the other employer concerned of risks to their employees' health and safety arising from the conduct of MOD's business.

POLICY

MOD Controlled Sites

5 MOD is required to ensure that the employer of any non-MOD staff working in a MOD workplace is properly informed of risks to their staff and of the measures required to be taken to prevent harm from all MOD activities that the non-MOD staff may be expected to encounter. Where non-MOD staff work in, or visit to work in, a MOD site, even for a short time, this requirement applies. It covers, for example, temporary agency staff and contract cleaning, repair or maintenance staff.

6 Where a particular MOD Organisation controls the work site, they should take the lead in establishing appropriate arrangements, including the assessment of shared risks. Where there is no clear lead MOD organisation at the site, all those involved are required to agree suitable joint arrangements, which may include appointing a lead.

Contractor Operated MOD Sites

7 Where the MOD Site has been contracted to another employer, the contractor should be responsible for site wide safety arrangements including the co-ordination with other employers, this will include MOD staff still employed on the site.

MOD as an Enclave in a non-MOD site

8 Where there is a MOD unit in a non-MOD site, the Head of the MOD unit is to co-operate with the controller of the site and any other lodger organisation in health and safety matters.

DUTIES

Head of Establishment or Commanding Officer

9 On MOD controlled sites, the Head of Establishment or Commanding Officer responsible for the site is to set up arrangements to ensure that there is co-operation between his own organisation and all lodger units, including any contractors and operators of non-MoD enclaves, on health and safety issues. He is to set in place integrated systems for co-ordination and communication health and safety matters between the occupiers of the site a framework for this is set out in the control of contractor leaflet.

10 Part of these arrangements must include informing all persons who enter the site of any emergency arrangement that have site wide implications.

Officers Commanding or Officers in charge of MOD lodger units

11 Officers commanding or Officers in charge of MOD lodger units on sites not under their control are to co-operate with the lead unit, or employer, to ensure that their activities are conducted in such away as to minimize the risks to personnel of other units, or employers. They must provide the lead unit with information on any of their activities that might create risks to the health and safety of other than their own personnel.

RELATED LEAFLETS

12 Related Leaflets

- Leaflet - Health and Safety Risk Assessment
- Leaflet - The Management of Contractors and other Visiting Workers (including MOD agencies) within the MOD

LEAFLET 32 ANNEX A**HEALTH AND SAFETY ON MULTI-OCCUPIER SITES****CONTENTS****Para****GUIDANCE FOR LINE MANAGERS**

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GUIDANCE FOR LINE MANAGERS**GENERAL**

1 To meet the requirements of the MHSAW regulations, such as carrying out a risk assessment, and establishing procedures to follow serious and dangerous situations, it is necessary to cover the whole workplace to be fully effective. When the workplace is occupied by more than one employer, this will require some degree of co-ordination and co-operation.

2 All employers and self-employed people involved should satisfy themselves that the arrangements adopted are adequate. Employers should ensure that all their employees, but especially the appointed competent people, are aware of and take full part in the arrangements.

3 Where a particular employer controls the workplace, others should assist the controlling employer in assessing the shared risks and co-ordinating any necessary measures. In many situations providing information may be sufficient. A controlling employer who has established site-wide arrangements will have to inform new employers or self-employed people of those arrangements so that they can integrate themselves into the co-operation and co-ordination procedures.

4 Where the activities of different employers and self-employed people interact, for example where they share premises or workplaces, they may need to co-operate with each other to make sure their respective obligations are met.

5 The duties to co-operate and co-ordinate measures relate to all statutory duties, and includes people who are self-employed and are not employers. Therefore, they concern all people who may be at risk, both on and off site, and not just where employers and self-employed people share workplaces all the time. They also include situations where an employer may not be physically present at the workplace.

APPOINTMENT OF HEALTH AND SAFETY CO-ORDINATOR

6 Where there is no controlling employer, the employers and self-employed people present will need to agree any joint arrangements needed to meet the requirements of the Regulations, such as appointing a health and safety co-ordinator. This will be particularly useful in workplaces where management control is fragmented. In workplaces which are complex or contain significant hazards, the controlling employer or health and safety co-ordinator (on behalf of the employers etc present) may need to seek competent advice in making or assisting with the risk assessment and determining appropriate measures. Employers do not absolve themselves of their legal responsibilities by appointing such co-ordinators who provide competent advice.

INFORMING OTHER PERSONS

7 Host employers must ensure that people carrying out work on their premises receive relevant information. In situations where visiting employee does not have an employer physically present at the workplace, this may be done by either providing them with information directly or by ensuring that their employers provide them with the relevant information. The same applies to providing the information to sub-contractors, through the main contractor. However, in these situations if you rely on their employers, or main contractor, to provide information to the visiting employees, then it is essential that adequate checks should be carried out to ensure that the information is passed on.

8 The information should be sufficient to allow the employer of the visiting employee to comply with their statutory duties, and should include the identity of people nominated by the host employer to help with an emergency evacuation. In some cases information may be provided through a written permit-to-work system.

9 Where the visiting employees are specialists, brought in to do specialist tasks, the host employer's instructions need to be concerned with those risks which are peculiar to the activity and premises. The visiting employee may also introduce risks to the permanent workforce (e.g. from equipment or substances they may bring with them). Their employers have a general duty under section 3 of the HSAW Act to inform the host employer of such risks and to co-operate and co-ordinate with the host employer to the extent needed to control those risks.

MOD CONTROLLED SITES

10 Where a number of MOD units on such a site report to different budget holders the lead unit co-ordinating health and safety activities must have executive authority to act across any budget and management chains and be able to lay down rules within which other units must operate to control risks.

11 In most instances, the lead unit would be the unit responsible for site-wide services such as maintenance and security and the head of the unit would be regarded as the landlord of the site. It should be noted that the landlord need not be the most senior officer on the site nor need they be the major employer.

12 The situation where MOD units may share such sites with MOD Agencies/and or contractors is more complex. But, again, it should be relatively easy to identify the landlord. A Simple test, which might be applied, is to ask whom, in the event of an incident, an HSE inspector might approach for details of site wide safety arrangements. On a MOD-owned site housing MOD staffs together with MOD Agencies and contractors providing services to MOD, it is to say the least; unlikely that he would turn to a non-MOD manager. As an example, Naval Bases are likely to fall into this category with the Naval Base Commander being responsible for overall co-ordination of health and safety activity although a large part of the work and the work equipment may be managed by the contractors.

NON MOD CONTROLLED SITES

13 Where there is a MoD unit in a non-MoD site, the Head of the MoD unit is to co-operate with the controller of the site and any other lodger organisations in health and safety matters. The Head of the MoD unit is to ensure that the impact of risks generated as a result of the work of the unit on his own staff or on employees of other employers on the site is minimised and is to provide information to those other employers on any of the activities of his unit which might cause a risk to the health and safety of their employees. There may also be a need to implement procedures laid down by the Site controller to enable them to have a coordinated approach on the Site. In a few incidents this may cause a duplication of effort. E.g. need to report accidents through MOD using the MOD procedure and to the Site Controller using their procedure. These matters are for local negotiation.

PUBLIC PRIVATE PARTNERSHIPS (PPP) / PRIVATE FINANCE INITIATIVES (PFI)

14 Public Private Partnerships (PPP) /Private finance Initiatives (PFI) are long-term contracts for the provision of serviced facilities for MOD to use. In some instances this may include the provision of training as well as the facilities. The whole site may be leased to the PFI contractor or only part of the site. The PFI /PPP contractor may be allowed to generate third stream income by making available to other organisations the use of the facilities which he is providing for MOD. In this instance the health and safety responsibility rest firmly with the contractor. However, if MOD are in control of the site then they will need to ensure that the any third party activities are taken into account in the site risk assessment as they may impact on the emergency arrangements.

15 It must be remembered that the buried services, criss-cross all our sites going into and out of the various enclaves. Therefore where a PPP/PFI contractor is sharing an MOD site with another user, it is essential that safe systems of work that are used for work on common equipment or services are the same, therefore MOD Safety Rules and Procedures are to be used, this will ensure that the same standards are maintained across the Defence Estate.