

LEAFLET 35**THE HEALTH AND SAFETY OF YOUNG PERSONS****CONTENTS****Para****LEAFLET FOR LINE MANAGERS**

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LEAFLET FOR LINE MANAGERS**LEGISLATION**

1 Health & Safety (H&S) legislation requires employers to assess the risks to the H&S of all their employees, and to do what is reasonably practicable to control those risks. Young workers are seen as being particularly at risk because of their inexperience and possible lack of awareness of existing or potential risks. The Health and Safety (Young Persons) Regulations 1997 (SI 1997/135), which came into force on 3 March 1997, introduced new requirements relating to the employment of young people. These Regulations were revoked and replaced by Regulation 19 of The Management of Health and Safety at Work Regulations 1999, which applies to both Service and civilian employees of the MOD. This leaflet guides line managers in the requirement needed to comply with Regulation 19.

YOUNG PERSONS COVERED

2 This leaflet covers young persons who are, long term employees, school pupils on work experience, college students on sandwich courses, military cadets, working or training for work within the MOD.

3 This leaflet does not cover young persons who visit MOD premises for reasons other than to work for the MOD.

DEFINITIONS

4 In this leaflet the following definitions apply:

Young Person

5 A young person means any person below the age of 18 Years including a child.

Child

- 6 A child means a young person who is below the minimum school leaving age.

Line Manager

- 7 A Line Manager means all MOD staff, both Service and Civilian, who have authority and responsibility for directing and supervising people working for them. The working staff maybe either permanent or temporary MOD employed staff, or persons employed on MOD contracts.

DUTIES**Line Manager**

- 8 Line Managers are required to:
- 8.1 Assess the risks to employees under 18 before they start work.
 - 8.2 Take into account young workers' inexperience, lack of awareness of existing or potential risks, and immaturity.
 - 8.3 Address particular factors in the risk assessment. (see Annex A)
 - 8.4 Ensure they do not to employ young people on certain work which creates significant risks to their H&S. (see Annex A)
 - 8.5 Ensure that for work, other than 8.4 above, if, after all that is reasonably practicable to do, to reduce risk, a significant risk remains, young people must not be employed on that work.
 - 8.6 Record the risk assessment made in relation to Young Persons.
 - 8.7 Inform the young person of the findings of the risk assessment and any control measures that have been taken or that the young person needs to take.
 - 8.8 If the young person is a child in addition to the child, the parents (or guardian) of the child should be informed of the findings of the risk assessment and any control measures that have been implemented or the child needs to take.

PARTICULAR FACTORS

- 9 Annex A to this leaflet provides more detail on the particular factors to be taken into account during risk assessment and also on the certain tasks on which young persons should not be employed. Line managers need to recognise that their duty of care to young person's prevents the undertaking of certain tasks that other workers would reasonably be expected to perform.

RECORDS

- 10 Records should be kept of the risk assessments made for young persons for a period of 5 years after it is no longer relevant.
- 11 Records of the training and information supplied to young persons or their parents or guardian should be kept for 5 years.

ASSOCIATED LEAFLETS

- 12 Associated Leaflets
- Leaflet - Health and Safety Risk Assessment
 - Leaflet - Manual Handling

- Leaflet - Working with Display Screen Equipment
- Leaflet - Substances Hazardous to Health

LEAFLET 35 ANNEX A**THE HEALTH AND SAFETY OF YOUNG PERSONS****CONTENTS****Para****GUIDANCE FOR LINE MANAGERS**

- 1 Risk assessment particular factors
- 2 Prohibited work for young persons
- 4 Implications for the mod
- 5 Risk of harm from vibration
- 6 Exemptions
- 7 Further information

GUIDANCE FOR LINE MANAGERS**RISK ASSESSMENT PARTICULAR FACTORS**

1 The particular factors to be addressed in risk assessments carried out in relation to young persons are as follows:

- 1.1 The fitting-out and layout of the workplace and workstation;
- 1.2 The nature, degree and duration of exposure to physical, biological and chemical agents;
- 1.3 The form, range and use of work equipment and the way in which it is handled;
- 1.4 The organisation of processes and activities;
- 1.5 The extent of the H&S training to be provided; and
- 1.6 Risks from the agents, processes and work listed in Annex B

PROHIBITED WORK FOR YOUNG PERSONS

2 With the exception noted at para 3 below, young people must not be employed on work which:

- 2.1 Is beyond their physical or psychological capacity (this should already be covered by compliance with the Management of Health and Safety at Work Regulations 1999);
- 2.2 Involves harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage to an unborn child or in any other way chronically affect human health (this should already be covered by compliance with the Control of Substances Hazardous to Health Regulations 1999);
- 2.3 Involves harmful exposure to radiation (this should already be covered by compliance with the Ionising Radiation Regulations 1999);
- 2.4 Involves the risk of accidents which young people might reasonably not recognise because of inexperience (this should already be covered by compliance with the general duties in the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999);

2.5 In which there is a risk to health from extreme cold or heat (this should already be covered by compliance with the general duties in the Health and Safety at Work etc Act 1974 and the requirements of the Personal Protective Equipment at Work Regulations 1992 and the Workplace (Health, Safety and Welfare) Regulations 1992);

2.6 In which there is a risk to health from noise (this should already be covered by the Noise at Work Regulations 1989); and

2.7 In which there is a risk to health from vibration.

3 These prohibitions do not apply where work is necessary for a young person's training and they are adequately supervised by a competent person and any risk is reduced to the lowest level that is reasonably practicable.

IMPLICATIONS FOR THE MOD

4 The Requirement to protect young persons should not impose significant additional burdens or restraints on the MOD. Provided that current risk assessments have taken account of the characteristics of young workers and the factors mentioned in para 1. The dis-application of the prohibited activities in para 2 for training should in most circumstances cover young people who are not yet employed on full-time productive duties, but it is imperative that adequate levels of competent supervision is available.

RISK OF HARM FROM VIBRATION

5 There is no specific legislation relating to risks to health from vibration, and hence the following guidance is supplied. There is no evidence that young workers face a greater risk than other workers of developing hand-arm vibration syndrome (vibration white finger) from hand-arm vibration. There is, however, an increased risk in the onset of non-occupational Raynaud's disease during adolescence, which can give similar symptoms to vibration white finger. Guidance on management of hand-arm vibration is given in Leaflet ---- in Volume 2 of this JSP. Regular exposure to low-frequency whole-body vibration, such as by driving or riding in off-road vehicles on uneven surfaces, may be associated with back pain and other spinal disorders, and younger workers may be at greater risk of damage to the spine as the strength of the muscles is still developing and the bones do not fully mature until about the age of 25. Employers will need to consider a programme to control any significant risks identified in the risk assessment, including limiting exposure by reducing the time, level or both.

EXEMPTIONS

6 The Secretary of State for Defence may exempt members of the Armed Forces in the interests of national security from the requirements of the Young Persons. In the light of para 4 above, it is unlikely that such exemption will be needed, but if exceptional circumstances arise application should be made through the appropriate H&S Focal Point to D SEF Pol. This will require documentation on the risk assessments and reasons for the inability to reduce risks to an acceptable level before dis-application will be considered.

FURTHER INFORMATION

7 The full text of the Regulations covering this requirement is given in The Management of Health and Safety at Work Regulations 1999, this is supported by an Approved Code of Practice, ISBN 0-7176-2488-9, published by HMSO. The HSE have produced "Young People at Work: A Guide for Employers", ref HS(G)165, ISBN 0-7176-1285-6. Guidance may also be obtained from D SEF Pol tele 55124LHQ or 0207 305 5124.

LEAFLET 35 ANNEX B**THE HEALTH AND SAFETY OF YOUNG PERSONS****CONTENTS**

Para

NON-EXHAUSTIVE LIST OF AGENTS, PROCESSES AND WORK**Agents**

- 1 Physical Agents
- 2 Biological Agents
- 3 Chemical Agents
- 4 Processes and work

NON-EXHAUSTIVE LIST OF AGENTS, PROCESSES AND WORK**AGENTS****Physical Agents**

- 1 Ionising radiation; work in a high-pressure atmosphere, e.g. in pressurised containers, diving.

Biological Agents

- 2 Those which can or do cause severe human disease and present a serious hazard to workers, and may present a risk of spreading to the community.

Chemical Agents

- 3 Substances and preparations classified as toxic, very toxic, harmful, corrosive, explosive or irritant.

PROCESSES AND WORK

- 4 Manufacture of auramine; work involving exposure to aromatic polycyclic hydrocarbons present in coal soots, tar, pitch, fumes or dust; work involving exposure to dusts, fumes and sprays produced during the roasting and electro-refining of cupro-nickel mattes; strong acid process in the manufacture of isopropyl alcohol.
- 5 Manufacture and handling of objects containing explosives.
- 6 Work with fierce or poisonous animals.
- 7 Animal slaughtering on an industrial scale.
- 8 Work involving the handling of equipment for the production, storage or application of compressed, liquified or dissolved gases.
- 9 Work with vats, tanks, reservoirs or carboys containing chemical agents referred to in para 3 above.
- 10 Work involving a risk of structural collapse.
- 11 Work involving high-voltage electrical hazards.
- 12 Work the pace of which is determined by machinery and involving payment by results.