201: Health and safety in building services engineering  
**Handout 1: Health and safety legislation**

**Learning outcome**

The learner will:

1. Understand how relevant legislation applies in the workplace

**Assessment Criteria**

The learner can:

1.1 identify **roles** and responsibilities with regard to current **relevant Health and Safety legislation**.

1.2 identify roles and responsibilities with regard to current **relevant environmental legislation**.

**Range**

**Roles**: Employers, Employees, Organisations, Clients.

**Relevant Health and Safety legislation**: Health and Safety at Work etc Act 1974, The Electricity at Work Regulations, The Management of Health and Safety at Work Regulations, Workplace (Health and Safety and Welfare) Regulations, Control of Substances Hazardous to Health (COSHH) Regulations, Working at Height Regulations, Personal Protective Equipment at Work Regulations, Manual Handling Operations Regulations, Provision and Use of Work Equipment Regulations, Control of Asbestos at Work Regulations.

**Relevant environmental legislation**: Control of Asbestos at Work Regulations, Environmental Protection Act, The Hazardous Waste Regulations, Pollution Prevention and Control Act, Control of Pollution Act, The Control of Noise at Work Regulations, The Waste Electrical and Electronic Equipment Regulations.

**Health and Safety Legislation**

|  |  |
| --- | --- |
| Health, safety and welfare legislation has increased the awareness of everyone to the risks involved in the workplace. All Acts of Parliament must be obeyed and, therefore, we all need an understanding of the laws as they apply to the building services industry.  There are several pieces of legislation that, directly or indirectly, impact on safety in the workplace. Statutory legislation results from the passing of an Act of Parliament. It may be interpreted by the courts as the result of test cases brought before them. Such Acts are supported by Regulations which, although not in themselves statutory, amplify the law. | 01 Hse Logo.gif |

When interpreting these Acts and Regulations the following definitions apply:

**Employer** – A person or body that employs one or more persons under a contract of employment.

**Employee** – A person employed by an employer under a contract of employment.

**Organisations** – An organisation is an entity comprising multiple people, such as an institution or an association, that has a collective goal and is linked to an external environment.

**Clients** – a person or organisation using the services of the company. In other words, the customer.

**Statutory** – This means that it is binding in law and is a criminal act to contravene it.

**Non-statutory** – Not legally binding. However, many non‑statutory regulations are based on statutory ones so breaking them could mean that a law may have been broken somewhere.

**Status of Acts & Regulations**

**Acts (of Parliament)** are ‘***statutory***’ that means they are legally binding and therefore enforceable by law. Certain **Regulations** are made under **Acts of Parliament** and, as a result, are also statutory.

Regulations made under health and safety legislation are sometimes supplemented by Codes of Practice approved and/or issued by the Health and Safety Commission. **Approved Codes of Practice** gives practical guidance on compliance. Failure to comply with an Approved Code of Practice is not an offence in itself. However, these codes have special legal status. If an employer/individual faces criminal prosecution under health and safety law, and it is proved that the advice of the Approved Code of Practice has not been followed, a court can regard it as evidence of guilt unless it is satisfied that the employer/individual has complied with the law in some other way. Following Approved Codes of Practice is therefore regarded as best practice.

Other Regulations have advisory/guidance purposes only and as a result they are ‘***non-statutory***’, that is, they cannot be enforced by law.

However, non-statutory Regulations are generally considered to reflect standards of good practice and may be cited in a court of law. Additionally, although certain Regulations have no legal status themselves, they are based on Acts/Regulations that are statutory and consequently, breaking the non-statutory Regulations will often result in breaking one or more statutory Acts or Regulations.

|  |  |
| --- | --- |
| **Health and Safety at Work etc Act** This covers all places where work is carried out. The ‘etc’ was added to cover voluntary work etc. All persons are responsible for their own and others safety.  **The Electricity at work regulations** There are currently 33 regulations of which 1-16 and 29 are the most relevant to most electricians. This is a legal (statutory) document whereas the wiring regulations (BS 7671) are not. They cover the use of electricity by everyone in the workplace, not just electricians. | 02 EAWR.JPG |

**The Management of Health and Safety at Work Regulations**The Regulations were introduced to reinforce the Health and Safety at Work etc Act (1974). The MHSWR places duties on employers and employees including those who are clients, designers, principal contractors or other contractors.

Many of the duties overlap with those of Construction Design and Management regulations (CDM) but where they go beyond CDM (for example concerning young people and expectant mothers) additional measures will be needed to comply fully with MHSWR.

**Workplace (Health and Safety and Welfare) Regulations**Employers have a general duty under section 2 of the Health and Safety at Work etc Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees at work. People in control of non-domestic premises have a duty towards people who are not their employees but use their premises. The Regulations expand on these duties and are intended to protect the health and safety of everyone in the workplace, and ensure that adequate welfare facilities are provided for people at work.

The Regulations aim to ensure that workplaces meet the health, safety and welfare needs of all members of a workforce, including people with disabilities. Workstations should be made accessible for disabled people.

**Control of Substances Hazardous to Health (COSHH) Regulations**As the name suggests, these regulations cover anything used in the workplace that could be considered hazardous to health. This would include chemicals, cements, oils, sprays etc.

**Working at Height Regulations**Again the title adequately describes the area that the regulations cover. More people are killed and injured by falls than any other cause.

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.

**Personal Protective Equipment at Work Regulations**Requires an assessment of PPE requirements to be carried out, the employer to supply the PPE and the employee to wear the protective equipment.

**Manual handling Operations Regulations**These Regulations aim to reduce the very large incidence of injury and ill health caused by the manual handling of loads at work.

**Provision and Use of Work Equipment Regulations**Covers the supply and use of equipment in the workplace. Equipment must be safe to use and used safely by the operatives.

**Control of asbestos at Work Regulations**The name again clearly explains the coverage of the regulations. Asbestos is an extremely dangerous material when disturbed and any possible exposure to or presence of asbestos should be reported immediately.

**Environmental Protection Act**The EPA is an Act defines, within England and Wales and Scotland, the fundamental structure and authority for waste management and control of emissions into the environment.

**The Hazardous Waste Regulations**These regulations have been introduced to control the storage, transport and disposal of hazardous waste to ensure it is appropriately managed and any risks are limited.

**Pollution Prevention and Control Act**Under this new Act, Local Authorities are required to regulate the smaller industries termed Part A2 and Part B installations. Whereas the Environment Agency regulates the larger industries, which are known as Part A1 installations.

Emissions to all environmental media must be controlled from Part A1 and A2 installations and such installations are also required to account for energy efficiency and to control against Noise Pollution. Part B installations on the other hand are regulated for emissions to air only.

**Control of Pollution Act**The aim of the Act is to deal with a variety of environmental issues, including waste on land, water pollution, abandoned mines, noise pollution and the prevention of atmospheric pollution.

**The Control of Noise at Work Regulations**These regulations place a duty on employers to reduce the risk to their employees’ health by controlling the noise they are exposed to whilst at work

**The Waste Electrical and Electronic Equipment Regulations (WEEE)**These regulations regulate the management of electrical and electronic waste. A key objective of the WEEE Regulations is to reduce the amount of WEEE that goes to landfills. This is achieved by placing an extended responsibility on producers and distributors of electrical and electronic equipment. Under the extended responsibility obligations, producers are required to finance the collection, treatment and recovery of WEEE.

The WEEE Regulations also place an obligation on distributors to offer to consumers a take-back system where WEEE items can be disposed of free of charge. There are two types of take-back systems, and distributors of EEE items must offer one of these schemes to their customers.