Working at Height Regulations: What it means...

Over the coming weeks we shall be producing a 10-part Insight Issue covering the UK Working at Height Regulations. Although UK specific the guidance in these documents can be used as a guide to fall protection anywhere in the world when used hand in hand with local legislation.

Part 1: An Introduction to the Working at Height Regulations 2005

Fall protection is a complicated issue and one of the most important faced by an employer or worksite supervisor. With over 100,000 reported incidents per year, falls from heights almost always result in serious injury.

In the construction industry, falls are the number one cause of worker death. The responsibility to prevent a catastrophe begins with the employer.

Falls cost employers millions of pounds each year in lost time, compensation, and third-party lawsuits. However, with the right mix of planning, equipment and education, workers can continue to work at height while limiting injury and the associated costs. It is important to remember that the standards and legislation set a minimum requirement for protection and that it is always advisable to go beyond these minimums to ensure that every worker goes home at the end of their day.

The Working at Height Regulations (WAHR) were first introduced in 2005 in an effort to remove a lot of the loop holes in other health and safety legislation, and also remove the minimum height when regulations came into force.

The significant changes from older legislation caused by the WAHR are listed below:

- The extension of legislation specific to work at height from the construction industry (under the Construction Health Safety and Welfare Regulations) to all sectors;
- The requirement that some measures need only be taken in respect of work above 2 metres is removed;
- The increase in the height of guard rails, to consider the European Standard;
- No specific minimum height for toe-boards on working platforms;
- The use of the term ‘fragile surface’ rather than ‘fragile material’ in the CHSWR;
- Specific requirements on scaffolding (ref. Part 2, Schedule 3);
- Specific provision for the use of ‘collective fall arrest’ equipment (ref. Schedule 4);
- More detailed requirements for personal fall protection systems (ref. Schedule 5).
Specifically, the WAHR have revoked the working at height parts of the Construction (Health, Safety and Welfare) Regulations 1996.

- In regulation 2(1), the definitions of “fragile material”, “personal suspension equipment” and “working platform”;
- Regulations 6 to 8;
- In regulation 29(2) the word “scaffold” in both instances;
- Regulation 30(5) and (6)(a);
- Schedules 1 to 5; and the entry first mentioned in columns 1 and 2 of Schedule 7

Employers, facilities managers, building owners and anyone else that controls work at height, including the self-employed can be held responsible should an accident occur. They would be liable if an accident occurred and the equipment was found to be faulty or uncertified.

These individuals and organisations have a legal responsibility to ensure that the Work at Height Regulations 2005 are implemented, and that all activity is properly planned, supervised and carried out by competent persons. They are also responsible for ensuring that fall protection systems for Work at Height are inspected regularly, at a maximum 12 monthly intervals.

What is “work at height”?

The Working at Height Regulations 2005 have no minimum height requirement for work at height.

The definition of working at height is all work activities where there is a need to control a risk of falling a distance liable to cause personal injury. This is regardless of the work equipment being used, the duration the person is at a height, or the height at which the work is performed. It includes access to and egress from a place of work. Some examples include:

- Working on a scaffold or from a mobile elevated work platform (MEWP);
- Working on the back of a lorry;
- Arboriculture and forestry work performed in trees;
- Climbing permanent structures, such as gantries or telegraph poles;
- Working close to an excavation area such as a buildings footing, or a cellar opening;
- Using a ladder/step ladder or kick stool for shelf filling;
- Using man-riding harnesses on offshore installations;

There is a common misconception that ladders, and stepladders are banned, but this is not the case. There are many situations where a ladder is the most suitable equipment for working at height.

Before working at height, you must work through these simple steps:

- avoid work at height where it is reasonably practicable to do so;
- where work at height cannot be avoided, prevent falls using either an existing place of work that is already safe or the right type of equipment;
- minimise the distance and consequences of a fall, by using the right type of equipment where the risk cannot be eliminated.

This forms the requirement commonly referred to as the Hierarchy of Measures, which we shall cover in Issue 7 Part 2: The Hierarchy of Measures.
How do you decide if someone is ‘competent’ to work at height?

Employers are responsible for ensuring that people with sufficient skills, knowledge and experience are employed to perform the task, or, if they are being trained, that they work under the supervision of somebody competent to do it.

In the case of low-risk, short duration tasks i.e. tasks that take less than 30 minutes, involving ladders, competence requirements may be no more than making sure employees receive instruction on how to use the equipment safely.

When a more technical level of competence is required more in-depth training is required, and for some areas and tasks, such as scaffold erection or MEWP control there are existing training and certification schemes drawn up by trade associations and industry is one way to help demonstrate competence.

We shall cover more on training in Issue 7 Part 9: Requirements for Work at Height Training.

What is a fall protection programme?

A fall protection programme is a collection of risk assessments and method statements, combined with training and competency records in order to build a complete safe system of work for all personnel at height.

A successful program should include:

- Identification of the fall hazards;
- An attempt to engineer out the hazards;
- Fall prevention procedures;
- Fall arrest procedures including rescue;
- In depth training;
- A maintenance program for the program and equipment.

What types of solutions are there?

- Passive (or collective) fall protection
  - Passive systems provide protection from falls by creating a physical barrier to prevent a fall from occurring.
  - They require little or no personal involvement from the worker, thus removing the single largest cause of accidents, the human being.
- Fall restraint systems
  - Refers to the use lanyards or some kind of tethering system measured so that workers cannot go beyond the edge where a potential for a fall exists.
  - These require more input from the worker and therefore training above a “don’t climb on the barrier” conversation, but successfully prevent falls by removing the risk and the worker’s choices.
- Fall arrest systems
  - Once you cannot prevent the fall then you need to minimise the effects.
  - A fall on a non-absorbing lanyard can generate up to 18kN, or approximately 1,800kg of force applied to the body.
  - Compare that to the maximum of 6kN in a shock absorbing system, and you can see the survival rate increase exponentially. The shorter the fall, and the better the absorber then the happier the worker will be.
- Rescue
  - This refers to the ability to retrieve or rescue an individual from confined spaces or heights and must always be a component of any fall protection program.
Arrangement of the Regulations

- Reg. 1 Citation and commencement
- Reg. 2 Interpretation
- Reg. 3 Application
- Reg. 4 Organisation and planning
- Reg. 5 Competence
- Reg. 6 Avoidance of risks from work at height
- Reg. 7 General principles for selection of work equipment for work at height
- Reg. 8 Requirements for particular work
- Reg. 9 Fragile surfaces
- Reg. 10 Falling objects
- Reg. 11 Danger areas
- Reg. 12 Inspection of work equipment
- Reg. 13 Inspection of places of work at height
- Reg. 14 Duties of persons at work
- Reg. 15 Exemption by the Health and Safety Executive
- Reg. 16 Exemption for the armed forces
- Reg. 17 Amendment of the Provision and use of Work Equipment Regulations 1998 (PUWER)
- Reg. 18 Repeal of section 24 of the Factories Act 1961
- Schedule 1 Requirements for existing places of work and means of access or egress at height
- Schedule 2 Requirements for guard-rails etc.
- Schedule 3 Requirements for working platforms
  - Part 1 Requirements for all working platforms
  - Part 2 Additional requirements for scaffolding
- Schedule 4 Requirements for collective safeguards for arresting falls
- Schedule 5 Requirements for Personal Fall Protection Systems
  - Part 1 Requirements for all personal fall protection systems
  - Part 2 Additional requirements for work positioning systems
  - Part 3 Additional requirements for rope access and positioning techniques
  - Part 4 Additional requirements for fall arrest systems
  - Part 5 Requirements for work restraint systems
- Schedule 6 Requirements for ladders
- Schedule 7 Particulars to be included in a report of inspection
- Schedule 8 Revocation of Instruments

Issue 7 Parts and Contents

- 7.01 An Introduction to the Working at Height Regulations 2005
- 7.02 Hierarchy of Measures
- 7.03 Advantages of Passive Safety
- 7.04 Advantages of Walkway
- 7.05 Fall Arrest vs Fall Restraint
- 7.06 Full personal fall protection systems (ABCDE)
- 7.07 Rescue Plan Requirements
- 7.08 Syncope
- 7.09 Requirements for Work at Height Training
- 7.10 8 Step Fall Protection Plan