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## **HEALTH AND SAFETY COMMISSION**

### **CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)**

#### **THE WORK AT HEIGHT REGULATIONS 2004 (WAHR)**

##### **Summary**

The European Directive on Temporary Work at Height (2001/45/EC) is the second amendment to the Use of Work Equipment Directive (89/665/EC) and was adopted in June 2001. The Directive aims to reduce the number of falls from height occurring during work activities across the member states. The Directive sets out minimum requirements for the selection and use of all work equipment used at height, and specifically lays down requirements for scaffolding, ladders and rope access. All member states, including the UK, are required to implement its requirements into law by 19 July 2004. The HSE is currently hoping to implement the Directive, through the Work at Height Regulations, by the due date.

##### **Issue**

1. To update members on progress on proposed regulations to implement the Temporary Work at Height Directive (2001-45-EC).

##### **Timing**

2. Since the Directive was adopted in June 2001, the HSE's Work at Height Policy Team have been working to draft Regulations and Guidance that will be applicable in Britain. They are currently in the process of finalizing these, and plan to go to the HSC in August 2003. After this a three or four month

consultation period is planned during which comments about the Regulations and Guidance by those affected by them will be welcomed.

## **Background**

3. Falls from height have been declared a Priority Programme by the HSC because they are responsible for just under 20% of all fatal and major injuries in the workplace each year. On average, there are around 70 fatalities and 4-5,000 major injuries caused by falls during work at height each year – almost half of these occur in the construction industry. HSE statistics of work place injuries for the year 2001/2 show that there were 11 fatalities each for falls from ladders, scaffolding and roofs, and a further 8 deaths resulting from falls from vehicles. With this in mind, it is hoped that the new Regulations will succeed in making work at height a safer activity with fewer accidents.

## **Current position**

4. At a meeting with the HSC's External Sub Group on Work at Height (which has twenty four members, representing a range of organizations and sectors who will be affected by the Regulations) on 6 March 2003 there was a general consensus that the draft Regulations and Guidance were moving in the right direction, and that the time is now right to go to wider public consultation. Following this, the HSE's Work at Height Policy Team have been finalizing new drafts of the Regulations and Guidance which they plan to take to the HSC on 5 August 2003.

## **Next steps**

5. Following the meeting with the HSC on 5 August 2003, it is expected that a three or four month consultation period will begin. Once the comments received during this have been analyzed it should be possible to publish the final Regulations before the deadline date of 19 July 2004.

## **Argument**

6. Implementing the Directive, whilst at the same time knitting together the relevant parts of the Construction Health Safety & Welfare Regulations (CHSWR) and the Workplace Regulations, as well as including elements of the Provision and Use of Work Equipment Regulations (PUWER), has been a challenge. As informal consultation has been extensive, it is hoped that the time and effort invested at this stage will be repaid in terms of draft Regulations and Guidance which might have less need of amendment when the formal consultation is carried out.

## **Consultation**

7. A three or four month consultation period is expected to begin following the 5 August 2003 meeting with the HSC. During this period, interested parties will be able to comment on the Regulations and Guidance and the impact they may have. Approximately 400 people have already expressed an interest in being part of the consultation process, and this number continues to increase steadily. Anyone interested in receiving a copy of the consultative document should contact David King. It will also be possible to read and respond to the document electronically via the HSE's website.

## **Presentation**

8. This consultation is to be the first formal consultation to use a predominantly electronic response system, developed for HSE by a third party contractor. This system is designed to speed up and simplify analysis of the responses whilst ensuring the data collected is focused on the issues and of high quality. This response analysis tool has performed well in trials and when tested on the recent '*Re vitalising Health and Safety in Construction Discussion Document*'.

## **Action**

12. CONIAC members are invited to:

- Note the opportunity to be informed about the current state of developments.

## **Contact**

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