

Health and Safety Executive Board		HSE/13/88	
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Type of Paper:	Above the line	Exemptions:	None
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## **Publication of revised Approved Code of Practice (ACOP) Workplace (Health, Safety and Welfare) Regulations 1992 (L24)**

### **Purpose of paper**

1. To present the Board with:
  - a) The outcome of the recent public consultation on the revised Workplace (Health, Safety and Welfare) Regulations 1992 Approved Code of Practice (L24) and;
  - b) The final proposed version of the revised L24, reflecting feedback from the consultation.
2. To seek the Board's approval to recommend that the Minister agrees to the publication of the revised version of this ACOP

### **Background**

3. In response to the Löfstedt Review recommendation HSE commenced a review of its ACoPs and carried out an initial consultation on a number of ACoPs including L24 in summer 2012.
4. In the light of this, the Board agreed L24 should be retained and revised to make it clearer what duty holders must do to comply with legal requirements and reduce duplication in the ACoP of material covered in other legislation. Duties no longer current were to be removed and the language used simplified and clarified to help improve understanding.
5. The initial consultation received 185 responses in respect of the proposed changes. Of these 167 supported the proposal, 12 did not and a further 6 responses did not provide a clear view on the proposal.
6. The results from the initial review concluded there was no significant evidence to suggest the need for a wholesale revision as a large majority of respondents agreed the publication simply needed updating, simplifying and modernising. It also gave a strong steer that a modernised pdf version was helpful, but there continued to be demand for a hard copy version to be available, which has subsequently been agreed with HSE's Publications Governance Group.
7. The Board considered the outcome of the consultation and the analysis and agreed the proposed changes should be made and further consulted upon.

### **The draft ACOP and consultation document**

8. A revised Workplace ACoP was drafted and in April 2013 the Board agreed to a 12 week public consultation to run from 7<sup>th</sup> May 2013 until 30<sup>th</sup> July 2013.

9. The draft ACoP provides practical guidance for dutyholders on how to comply with the requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. In preparing the document, HSE considered comments raised during the initial consultation, the criteria for where it may be appropriate to provide advice as ACoP, and HSE's principles for producing guidance; including the principles for producing ACoPs identified for the initial consultation.

10. The proposal received 134 responses and of these 88 (69%) supported the proposal. Many of the respondents who said they did not support the proposal commented with detailed suggestions on how the text might be further improved.

11. The responses have come largely from two sources, health and safety professionals and trade union representatives. The fact that business groups have not responded may indicate that they do not have any issues or concerns with the proposals. Details of responses are at Annex A.

12. In addition to the majority of supportive comments, there were a significant number who noted that the consultation did not seek to amend the ACoP to include a new maximum workplace temperature or to rationalise the advice given about the number of toilets provided for men and women.

#### Temperature - Regulation

13. Thirty-six respondents specifically commented on the issue of workplace temperature. (See Annex A). The majority of respondents support the introduction of a maximum workplace temperature. Of those responding nine were from Trade Unions who represent a significant body of employees affected by excessive temperature in the workplace.

14. There has been previous consideration of the issue of introducing a maximum workplace temperature and insufficient evidence has been found to support the introduction of such a measure. The Board agreed therefore that the issue would not be considered as part of this consultation.

15. The call for a maximum temperature was anticipated; and as part of the consultation exercise, HSE undertook to produce improved information and advice to be made available along-side the revised publication of the ACoP. A stakeholder meeting has been convened for 17 September 2013 to review the changes proposed to the guidance in L24 as a result of the consultation; to comment on new web pages; and to review the guidance available on temperatures.

16. The ACoP offers advice on steps to manage temperature indoors, but does not include guidance on how to assess those risks. HSE proposes to include short additional guidance material in L24 which will provide a link to further more detailed information on how to manage workplace temperatures.

17. HSE will also reinstate to ACoP status the paragraph (55 in the Consultation Document) which advises on the provision of protective clothing, rest facilities and exposure. This paragraph was mistakenly allocated guidance status for consultation.

#### Sanitation and Toilets - Regulations 20&21

18. Thirteen respondents specifically commented on the need to improve advice on sanitation and toilets. Of these, six were specifically concerned that the level of toilet provision in the ACoP is not allocated proportionately between men and women. The tables in the ACoP that set out different allocations have been the subject of criticism in the past;

but they have been in effect for many years without any evidence that they are responsible for less than satisfactory provision. Provision of toilet facilities is also the subject of advice from Building Regulations, which defer to the standards set in the Workplace ACoP.

19. The advice in this ACOP allows employers to make suitable provision for both men and women using table 1. Additionally provisions for urinals may be made and guidance for this is in table 2. The equality of toilets provision between men and women is shared more widely as a general societal issue beyond the scope of this regulation. A short section of guidance is proposed to explain Table 1 is appropriate for a mixed workforce.

20. In response to the concerns the Department for Communities and Local Government (DCLG) has commissioned a research project to advise on the scale of provision. This is expected to be available in Autumn 2013. DCLG will decide upon any action to give effect to the findings when they are published. We will continue to liaise with DCLG to help them review policy following the outcome of the research.

#### Peripatetic workers

21. Six respondents expressed concern about the provision of sanitation and drinking water to peripatetic workers. They reported that many employees are denied access to these facilities when undertaking work for a different employer, when visiting and operating in another place of work. HSE proposes to consider the viability of preparing new guidance under the ACoP section on remote workplaces and temporary work sites (Reg 21) to clarify duties under the Workplace Health, Safety and Welfare Regulations, and sections 4, 52 and 53 of the Health and Safety at Work etc. Act 1974.

#### Devolved Administrations

22. The devolved administrations have been included in the consultation but have not responded. This ACoP applies to duty holders in England, Scotland and Wales.

#### **Next steps**

23. The Board is invited to consider the revised ACoP at Annex B, which includes the comments received during this consultation.

24. In addition, HSE will improve access to guidance on other workplace topics and provide links to the most up to date and relevant standards for advice. Out of date requirements superseded by newer legislation have been removed from the revised document.

#### **Recommendation**

25. The Board is asked to approve the revised ACoP Workplace (Health, Safety and Welfare) Regulation 1992 for consent by the Secretary of State to publish in November 2013 along with a summary of consultation responses.

#### **Annexes**

Annex A – Analysis of responses to consultation proposal.

Annex B – Revised ACOP Workplace (Health, Safety and Welfare) Regulations 1992.

## **Paper clearance**

Paper Cleared by Director of CCID and by the HSE SMT at their meeting on 4 September 2013.

## Annex A – Summary of Consultation Responses

**Consultation proposal:** To revise this ACoP (L24) and review other HSE publications that provides guidance on related workplace health, safety and welfare issues.

### Summary of responses

Question 1.1 Is the draft ACoP and associated guidance sufficiently clear for you to be confident about how you can comply with the Workplace (Health, Safety and Welfare) Regulations 1992?		
Option	No of Respondents	% of total
Yes	88	69
No	39	31
Total	127	
<p>A further seven responses were received which provided no clear view on the proposal.</p> <p>The majority of those who responded “yes” were Health and Safety Professionals 51 (40%), 22 Health and Safety Professionals (17%) responded “no”.</p> <p>See Table 1 for further breakdown</p>		
<p>Question 1.2. If not which parts are not clear and why?</p> <p>There were 56 responses with 39 providing comments, the remainder declaring either no or n/a.</p> <p>The 39 comprised of: 20 Health and Safety Professionals; 9 Trade Union Representatives; 4 Employers; 6 N/K</p>		
<p>Question 2.1 Comments on the method(s) of compliance described in the draft publication.</p> <p>There were 76 responses. 45 provided comments with the remainder either leaving blank or stating no, none or n/a.</p> <p>The 45 comprised of: 32 Health and Safety Professionals; 9 Trade Union Representatives; 2 Health and Safety Regulators; 2n N/K</p> <p><b><u>Comment summary</u></b></p> <p>Previously unclear areas improved and language simplified. Document clear and easy to read, very clear and uncomplicated, with compliance methods seeming reasonable and practicable.</p> <p>“Refreshingly free from the jargon that some professionals enjoy using”.</p> <p>“These seem clear although not as detailed as in previous version of ACoP”</p>		

Question 3.1

Are there any impacts from the revision of this ACoP that we should be aware of?

There were 72 responses. 39 provided comments with the remainder leaving blank or stating no.

The 39 comprised of: 23 Health and Safety Professionals; 8 Trade Union Representatives; 5 Employers, 2 Health and Safety Regulators; 1n N/K

**Comment summary**

Any changes to benefit health and safety in the workplace would be beneficial, however until changes implemented it will be impossible to list impacts. The maximum temperature has still not been adequately dealt with. The aims and objectives of the ACoP are obscured by lack of clarity and focus. Where other documents are referred to there will be the need for regular review and update.

Question

Is there anything you particularly liked or disliked about this consultation?

There were 66 responses. 17 provided comments to support that they liked it and 13 that they did not.

The 30 comprised of: 19 Health and Safety Professionals; 3 Trade Union Representatives; 2 Health and Safety Regulators, 2 Employers; 1 Employee, 3 N/K

**Comment summary**

The document is clear, concise and easy to read. Impressed with the use of plain English. Pleased to see that document had not been reduced. Specific issues been addressed and the language used makes the interpretation of ACoP and guidance much easier to achieve. "Common sense has prevailed"

Would have been helpful had changes from original document been highlighted. The document could have been shorter and has done little to improve the ACoP. There is still no mention of workplace temperature and "dislike the fact that there is a need to tinker with all things health and safety".

Question

Do you have any other comments on the proposals that have not been covered by this questionnaire?

There were 66 responses; 36 provided comments, the remainder stating no, none or n/a

The 36 comprised of: 18 Health and Safety Professionals; 7 Trade Union Representatives; 3 Employers; 2 Employees; 1 Health and Safety Regulator; 5 N/K

**Comment summary**

The revisions seem straightforward, easily accessible and simple to use, but further advice on a maximum workplace temperature would be helpful. Further comments related to language, layout and text.

**Conclusion drawn from analysis of consultation responses**

69% of respondents were confident that the draft ACoP and associated guidance was sufficiently clear for them to be confident that they could comply with the Workplace (Health, safety and welfare) Regulations 1992.

Some 10% stated that the guidance was not sufficiently clear did not provide relevant comments to support the statement.

The two main areas of concern were around temperature and provision of toilets. Thirty-six respondents specifically commented on workplace temperature and thirteen respondents specifically commenting on sanitation and toilets.

**Table 1**

Workplace (Health, safety and welfare) Regulations  
 Consultation respondents agreeing the changes make the Regulations  
 easier to understand

Capacity of respondent	Yes	No	Total
An Employer	3 (2.4%)	5 (3.9%)	8 (6.3%)
An Employee	9 (7.1%)	0 (0.0%)	9 (7.1%)
Health and Safety Professional	51 (40.2%)	22 (17.3%)	73 (57.5%)
Trade Union Representative	8 (6.3%)	8 (6.3%)	16 (12.6%)
Surveyor/Engineer	1 (0.8%)	0 (0.0%)	1 (0.8%)
Health and Safety Regulator	5 (3.9%)	0 (0.0%)	5 (3.9%)
SME	2 (1.6%)	0 (0.0%)	2 (1.6%)
No answer	9 (7.1%)	4 (3.1%)	13 (10.2%)
Total	88 (69.3%)	39 (30.7%)	127 (100%)

**General Comments**

Comments from:	Health and Safety Professional (i) TU Representative (ii) + (iii)
Issues raised:	(i) The document would benefit from more use of diagrams and flow charts (ii) More drafting should be in the Active (iii) Check use of “reasonably practicable” as preferred to “reasonably practical” (para 149)
Comment:	(i) Diagrams can help understanding of duties where these are relevant (ii) Active language is preferred, but not always appropriate in legal terms for clarity. (iii) Consistency is important
Response:	(i) Further views can be sought from stakeholders on the type and instance of diagrams etc that would be appropriate (ii) (iii) HSE editors will be asked to review
Action proposed:	(i) Propose to ask Stakeholder guidance group for views on 17 September (ii) (iii) Seek views of editors

## Regulation 2 – Interpretation

Comments from:	Health and Safety Professional
Issues raised:	The definition of a workplace would (inadvertently) include places of work which can be best described as the natural environment. Where work includes the provision of, for example a mountain, the concept of keeping a mountain in good repair is meaningless.
Comment:	As currently worded the Regulations would impact negatively on the Adventure Activity sector.
Response:	We are unable to change the Regulation
Action proposed:	No further action.

## Regulation 3 – Application of the Regulations

Comments from:	Trade Union Representative
Issues raised:	Amended para 23 of guidance to reinstate original wording 'Regulations except that regulation 13 applies to aircraft, trains and road vehicles when stationary in a workplace (but not on a public road).
Comment:	This is important clarification of the requirements
Response:	The guidance is to be reinstated
Action proposed:	Reinstate text: "Regulations except that regulation 13 applies to aircraft, trains and road vehicles when stationary in a workplace (but not on a public road)."

## Regulation 4 - Requirements under these Regulations

Comments from:	Trade Union Representative
Issues raised:	<ul style="list-style-type: none"> <li>(i) That "foreseeable loads" is too broad a term.</li> <li>(ii) An inspection regime may be misinterpreted as a documented requirement</li> <li>(iii) Competence could deem formal qualification as a surveyor</li> </ul>
Comment:	<ul style="list-style-type: none"> <li>(i) It should be possible to foresee likely loading dependent upon the use of the building. Inappropriate use can put workers at severe risk. Guidance on loading can be found in Documents supporting Building Regulations</li> <li>(ii) The inspection regime needs to be appropriate to building type and use. In some instances this may involve a written system of activity</li> <li>(iii) Maintenance and inspection needs to be undertaken by competent people, the nature of the competence will depend upon the complexity of the activity.</li> </ul>

Response:	(i) No further action (ii) No further action (iii) No further action
Action proposed:	None.

### **Regulation 5 - Maintenance of workplace, and of equipment devices and systems**

Comments from:	Health and Safety Professional x 2 Trade Union Representative
Issues raised:	Requirements and definitions are vague
Comment:	Further defining these words and phrases is not appropriate and that they are defined to protect all who me at imminent harm
Response:	No further action
Action proposed:	None

### **Regulation 7 - Workplace Temperature (Maximum Temperature)**

Comments from:	Trade Union Representative x17 Health and Safety Regulator x 2 Health and Safety Professional x 8 Capacity not stated x 1
Issues raised:	No maximum temperature for the workplace is included in the revised ACoP. Insufficient guidance on assessing the risk.
Comment:	<p>Currently Regulation 7 says temperature should be "reasonable" and the ACoP sets out normal minimum working temperatures. There is no maximum temperature. In anticipation of this issue being raised again during consultation, the Board paper specifically addressed the matter and said:</p> <p>“10. Although comments from the first consultation overwhelmingly support HSE’s approach, some respondents raised the issue of including a new maximum workplace temperature. HSE has previously considered the issue of the need to introduce a maximum workplace temperature and following extensive consultation and review of research, concluded there is insufficient evidence for such a change either in the law or in the supporting ACOP. This consultation is not seeking views or evidence on the introduction of a maximum temperature although HSE is working to produce simple, practical advice on thermal comfort for those responsible for building maintenance, employers and employees. This will be easily accessible through HSE’s website.”</p> <p>This was agreed by the Board and the Consultation Document reflected that HSE considers there is insufficient evidence for a fundamental review, but that further guidance could be made available.</p>

Response:	The ACoP is notable in lacking any general guidance on assessing the risks from workplace temperature. Given its age this is not surprising, but we could give duty holders a better understanding of the assessment they should do.
Action proposed:	Seek agreement and text from HSE Technical lead and views from Stakeholder guidance group.

### Regulation 7 - Workplace Temperature (Outdoor workers)

Comments from:	Trade Union Representative x 4
Issues raised:	Outdoor workers need specific welfare provisions to protect them from the sun, fresh drinking water should be provided and work scheduling arranged so workers are not exposed to excessive heat during the hottest part of the day.
Comment:	Regulation 7 requires reasonable working temperatures at workplaces inside buildings. There is no duty beyond the general duties of the HSWA to protect outdoor workers from working outside in excessive heat.
Response:	The ACoP supports the existing law, there is a limit to the advice that can be given in the ACoP without a change in the law. This consultation was on the ACoP supporting existing law.
Action proposed:	No further action

### Regulation 7 - Workplace Temperature (protective clothing and rest facilities)

Comments from:	Trade Union Representative x6
Issues raised:	Information about provision of protective clothing and rest facilities should be returned to ACoP status and not be included in guidance as proposed.
Comment:	<p>The current ACoP (para 48) includes advice that <i>“Where, despite the provision of local heating or cooling, workers are exposed to temperatures which do not give reasonable comfort, suitable protective clothing and rest facilities should be provided. Where practical there should be systems of work (for example, task rotation) to ensure that the length of time for which individual workers are exposed to uncomfortable temperatures is limited.”</i></p> <p>In the revised draft, this was redrafted to: <i>“Suitable protective clothing and rest facilities should be provided in instances where local heating or cooling fails to provide reasonable comfort. Where practical, there should be systems of work (for example, task rotation) to ensure the amount of time individual workers are exposed to uncomfortable temperatures is limited.”</i> This is retained as guidance (para 55) not ACoP.</p>
Response:	This appears to have been a formatting error in the final stages of publication. This paragraph in the revised document follows immediately on from para 54 which is marked as ACoP.

Action proposed:	Return this section to ACoP classification.
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### Regulation 8 – Lighting

Comments from:	Trade Union Representative (i) + (ii) Health and Safety Professional (iii) + (iv)
Issues raised:	(i) Improve drafting of para 67 (ii) Produce guidance on lighting for specific sectors (iii) Maintain reference to lighting escape routes (iv) No reference to lighting in ports
Comment:	(i) Replace ‘annoying’ with ‘disruptive’ or ‘harmful’. (ii) The new wording is designed to include all eventualities (iii) There is already a section on Emergency Lighting (iv) This is an issue specifically about ports
Response:	(i) Agree – discuss with editors. (ii) No further action (iii) Consider inserting links to Fire Safety Regulations (iv) There is existing guidance for this sector
Action proposed	Discuss drafting changes with editor

### Regulation 10 - Room Dimensions and Space

Comments from:	Health and Safety Professional x 7
Issues raised:	Better advice required on the calculation of minimum space including access to workstations and specification for school rooms.
Comment:	The calculation is designed as a minimum standard, these changes could be significant and would have an impact on work areas with a height under 3 meters. School design parameters are set by DfE.
Response:	No further action
Action proposed:	None.

### Regulation 11- Workstations and seating

Comments from:	Health and Safety Professional x 2
Issues raised:	The advice on working in cramped conditions should be returned from guidance to the ACoP.
Comment:	The ACoP gives advice on sufficiently clear and unobstructed space and the ability to stand up right. This text in para 93 expands on what to do to make sure the workstation is suitable if cramped conditions are necessary and therefore consulted on as guidance rather than ACoP.

Response:	This change is seen by respondents as a regressive step.
Action proposed:	The advice can be retained as ACoP material.

## Regulation 12 - Conditions of floors and traffic routes

Comments from:	Employer (i) Health and Safety Professional (ii), (iv) + (v) Capacity not stated (iii) + (iv) Trade Union (vii)
Issues raised:	(i) Definition of traffic route needs revisiting (ii) Include advice on when to use visual clues to change in height of traffic routes. (iii) Clarify there are other ways of dealing with spillages (iv) Para 100 of the guidance ACoP refers to handrails on stair cases as 900mm, Work at Height Regulations require edge protection to 950mm, there should be a uniform height. (v) Need to reflect the hierarchy of risk management and “design out” potential problems. (vi) Need to define “slippery” (vii) Need to ensure adequate provision of drainage
Comment:	(i) Traffic Routes are defined in regulation 2 (1) of the regulations. (ii) This is not covered by the ACoP. (iii) Currently there is no mention of the need to put up warning signs as an alternative to barriers. (iv) Design and construction of stair cases and protective barriers is also dealt with by the Building Regulations. Part K advises that stair rails should be 900mm. (v) In the guidance, the hierarchy of steps does not mention design issues (vi) Advice is that the use of “unduly slippery” is not wrong as case law concludes that it is not just any slipperiness that triggers the duty. (vii) Provision of drainage is explicit in the regulation hence it was taken out of the ACOP.
Response:	(i) This can be made clearer in the text accompanying the guidance. (ii) HSE gives more detailed advice on slips and trips on its web site. (iii) The current advice is to fence off, mop up or cover with absorbent granules. This is the preferred action than putting up signs. Alternatives could be used rather than absorbent granules. (iv) No further action (v) The guidance advice contained in para 110 can be amended to include an appropriate reference. (vi) No further action (vii) The inclusion in the ACoP of wording which specified when drainage was necessary is more helpful than just leaving it to implication that a drain should be provided where a floor is

	liable to be made wet through work activity.
Action proposed:	<p>(i) Amend text (of para 108 in the consultation document) para 123 of Annex B to say: “Traffic route is defined in regulation 2 as a “route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp.”</p> <p>(ii) BSI: 8300 gives advice on accessible design, this could be referenced from the web site.</p> <p>(iii) Amend text of ACoP para 100 to read: Where a leak, spillage or other type of contamination occurs and is likely to be a slipping hazard, take immediate steps to fence it off, mop it up, or cover with something to stop it being slippery eg absorbent granules.”</p> <p>(iv) None</p> <p>(v) Include a new bullet point in para 110 of the revised ACoP to say: “Consider the use of slip resistant flooring material.”</p> <p>(vi) None</p> <p>(vii) Amend para 116 of revised ACoP to read: “Where a floor is liable to be made wet through work activity, drains and channels should be provided and positioned to minimise the area of wet floor, and the floor should slope slightly towards the drain...”</p>

#### **Regulation 14 – Windows and transparent or translucent doors, gates and walls**

Comments from:	Employer
Issues raised:	In regard to the table / graph on "glazing thickness requirements...", please include the suitable labels on the axis.
Comment:	Agreed – the diagram would benefit from labels
Response:	Agreed – the diagram would benefit from labels
Action proposed:	Amend diagram in final draft

#### **Regulation 15 - Windows, skylights and ventilators**

Comments from:	Health and Safety Professional x 2
Issues raised:	Links need to be made to the restriction of window opening in care homes
Comment:	The Workplace Regulations only apply to the health, safety and welfare of workers and does not extend provision to patients.
Response:	This issue is covered by sector specific guidance
Action proposed:	None

## Regulation 17 - Organisation etc of traffic routes

Comments from:	Employer x 2 (i), (iv) Health and Safety Professional x 4 (i), (iv), (v), (viii) (ix), (xii) Trade Union Representative x 7 (i), (ii), (iii), (iv), (vii), (ix), (x), (xi) Capacity not stated x 1 (iii)
Issues raised:	Separation of vehicles and pedestrians, reversing, speed limits.
Comment:	<ul style="list-style-type: none"> <li>(i) There were a number of requests to retain the diagrams.</li> <li>(ii) While the revised text is simpler and clearer, we are concerned over the possible implications of some parts of the new draft such as over traffic routes and drains.</li> <li>(iii) Further clarity was requested about the application of the regulation to traffic routes in existence prior to January 1993</li> <li>(iv) There was a call to set speed limits rather than require 'sensible speed limits'.</li> <li>(v) There was a request to reinstate text requiring outside workplace delineation of pedestrian and/or vehicle routes.</li> <li>(vi) There was a request to reinstate guidance stating that the need for reversing to be eliminated sfairp.</li> <li>(vii) Para 140 is superfluous. If it remains, there should then be a need for other definitions, as included in Reg 2, to be referred to throughout this ACOP.</li> <li>(viii) There was a request to update reversing guidance to include use of CCTV installed on vehicles, for example to banks man or built-in CCTV devices etc.</li> <li>(ix) There was a request to reinstate text "and any loads to be carried can be safely carried".</li> <li>(x) There was a request to reinstate the words "without having to leave the route" at its' end.</li> <li>(xi) There was a comment that the term "banksmen" should be deleted and substituted with driver's assistants, and include reference to technology such as cameras where possible.</li> <li>(xii) Consider signposting to other sector transport requirements</li> </ul>
Response:	<ul style="list-style-type: none"> <li>(i) Agreed</li> <li>(ii) Disagree drainage is covered in regulation 12</li> <li>(iii) Agree – need to clarify that 'existing' means pre-1993 workplaces</li> <li>(iv) No plans to define 'sensible speed'.</li> <li>(v) Agree – we could re-use the wording from old para 179.</li> <li>(vi) Agree – reinstate old wording. Reversing should be avoided</li> <li>(vii) Disagree – it is important that users understand the definition</li> <li>(viii) Agree – para 158 mentions measures to control risks from reversing, including use of banksmen – CCTV will be added to this.</li> <li>(ix) Agree</li> <li>(x) Agree</li> <li>(xi) Disagree – Banksman is a well recognised term within the industry</li> <li>(xii) Disagree – sector specific information is not appropriate.</li> </ul>

Action proposed:	<ul style="list-style-type: none"> <li>(i) Diagrams to be retained</li> <li>(ii) None</li> <li>(iii) Revise para 154 to clarify that 'existing' means workplaces in operation pre-1993</li> <li>(iv) None</li> <li>(v) After para 174, reinstate as ACoP current para 179 signage and road markings</li> <li>(vi) Reinstate as ACoP wording in current para 167 on reversing</li> <li>(vii) None</li> <li>(viii) Insert in guidance on reversing ' CCTV systems or'</li> <li>(ix) Add to ACoP para 158 : "and any loads to be carried can be safely carried".</li> <li>(x) Add to ACoP after first sentence of para 163 "without having to leave the route" from old para 165 of ACoP.</li> <li>(xi) None</li> <li>(xii) None</li> </ul>
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### Regulation 18 - Doors and Gates

Comments from:	Employer x 2
Issues raised:	References to manually operated doors should be returned to the ACoP
Comment:	Stakeholders have confirmed that there are still many sliding and upwardly opening doors in operation.
Response:	These requirements are set out in the Approved Documents that accompany the Building Regulations (Part K in England and Wales). However the Scottish Technical Handbook for non domestic premises has little advice on these requirements.
Action proposed:	Propose that paragraphs 183-185 of the existing version are replaced as ACoP.

### Regulation 20 & 21 - Sanitary conveniences and Washing Facilities – part1

Comments from:	Trade Union Representative
Issues raised:	There should be a reference under regulation 20 to the fact that there is additional information on the requisite numbers of toilets in the ACoP to Regulation 21.
Comment:	Agree this is a useful suggestion as the document displays both regulations together with common ACoP following from Regulation 21.
Response:	Suggest inserting new guidance under Regulation 20 which says: "There is additional information on the numbers and provision of toilet facilities in the ACOP accompanying Regulation 21 below."
Action proposed:	Draw to the attention of the Stakeholder guidance group on 17 September.

### Regulation 20 &21 - Sanitary conveniences and Washing Facilities – part 2

Comments from:	Trade Union Representative
Issues raised:	There was a requirement in the ACoP that surfaces in toilets should allow wet cleaning (current par 209). This is necessary for hygiene purposes.
Comment:	It seems sensible to reinstate a requirement which can ensure adequate wet cleaning. It is proposed that this is updated to allow for the provision of “washable surfaces” to allow for the use of modern materials as an alternative to ceramics or plastics.
Response:	Suggest inserting new guidance after the second sentence of revised para 204 to say: “ The surfaces of internal walls and floors of the facilities should normally have a surface which permits wet cleaning, for example, ceramic tiling or a washable surface.”
Action proposed:	Seek views from Stakeholder Guidance Group on 17 September.

### Regulation 20 &21 - Sanitary conveniences and Washing Facilities – part 3

Comments from:	Employer x 2 Health and Safety Professional x 2 Trade Union Representative x 2
Issues raised:	The duties for the provision of toilet, hand-washing and drinking water facilities for peripatetic workers (including delivery drivers, market workers, maintenance workers etc) is not clear.
Comment:	Guidance is needed to clarify respective duties of employers and those in control of premises as to the facilities that should be made available for peripatetic workers.
Response:	Consider inserting new guidance under the ACoP section on remote workplaces and temporary work sites (Reg 21) that clarifies WHSW Reg2, HSWA S4, S52 and S53
Action proposed:	Seek advice from Stakeholder Guidance Group on 17 September.

### Regulation 20 &21 - Sanitary conveniences and Washing Facilities – part 4

Comments from:	Employer x 2 Employee Health and Safety Professional Trade Union Representative
Issues raised:	Toilet provision in the ACoP is inadequate/discriminates against women.
Comment:	The Department of Communities and Local Government currently have a research project underway to determine usage and waiting times for toilets. This is expected to report in the Autumn.  Despite the lack of new research, the difference in provision could

	be explained further in supporting guidance. This could also refer to other advice and standards on the provision of appliances and be kept up to date when and if such advice changes without changing the ACoP.
Response:	Add short sentence of guidance between Table 1 and Table 2
Action proposed:	Explain Table 1 is for mixed provision.

## Regulation 22 - Drinking Water

Comments from:	(i) (ii) Health and Safety Professional (ii) Trade Union Representative (ii) Trade Union Representative (ii) Trade Union Representative (iii) Capacity not stated (iv) Health and Safety Professional
Issues raised:	(i) Restate the clarity of refillable bottles (ii) Restate marking of drinking water (iii) Define adequate supply of drinking water (iv) Define “Wholesome” drinking water.
Comment:	(i) Wording would benefit from revision. (ii) Under existing water requirements cold water supplies should be potable unless marked otherwise. (iii) The regulations require that there should be an “adequate supply” of drinking water. It is extremely difficult to prescribe what this should be for the very many different workplaces where these regulations apply. (iv) The regulations require that drinking water should be “Wholesome”.
Response:	(i) Propose that wording should be reinstated to para 207: “If refillable containers need to be used, they should be suitably enclosed to prevent contamination and refilled at least once a day.” (ii) The marking of drinking water supplies requires further discussion with DEFRA (iii) Seek views from stakeholder guidance group on what an adequate supply might be. (iv) The quality of drinking water supplies requires further discussion with DEFRA.
Action proposed:	(i) Include in revision (ii) Discuss with DEFRA (iii) Discuss with stakeholders. (iv) Discuss with DEFRA

End