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STATUTORY RULES OF NORTHERN IRELAND

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**1993 No. 37**

**Workplace (Health, Safety and Welfare)  
Regulations (Northern Ireland) 1993**

**Citation and commencement**

**1. —**

(1) These Regulations may be cited as the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993.

(2) Subject to paragraph (3), these Regulations shall come into operation on 8th March 1993.

(3) Regulations 5 to 27 and the Schedules shall come into operation on 1st January 1996 with respect to any workplace which is not—

- (a) a new workplace; or
- (b) a modification, an extension or a conversion.

**Interpretation**

**2. —**

(1) In these Regulations—

“new workplace” means a workplace used for the first time as a workplace after 7th March 1993;

“public road” means a road within the meaning assigned to that term by Article 2(2) of the Roads (Northern Ireland) Order 1980(1);

“traffic route” means a route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp;

“workplace” means, subject to paragraph (2), any premises or part of premises which are not domestic premises and are made available to any person as a place of work, and includes—

- (a) any place within the premises to which such person has access while at work; and
- (b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road,

but shall not include a modification, an extension or conversion of any of the above until such modification, extension or conversion is complete.

(2) Any reference in these Regulations, except in paragraph (1), to a modification, an extension or a conversion is a reference, as the case may be, to a modification, an extension or a conversion of a workplace started after 7th March 1993.

(3) Any requirement that anything done or provided in pursuance of these Regulations shall be suitable shall be construed to include a requirement that it is suitable for any person in respect of whom such thing is so done or provided.

### Application of these Regulations

#### 3. —

- (1) These Regulations apply to every workplace but shall not apply to—
- (a) a workplace which is or is in or on a ship within the meaning assigned to that word by regulation 2(1) of the Docks Regulations (Northern Ireland) 1989<sup>(2)</sup>;
  - (b) a workplace where the only activities being undertaken are building operations or works of engineering construction within, in either case, the meaning of section 176 of the Factories Act (Northern Ireland) 1965<sup>(3)</sup> and activities for the purpose of or in connection with the first-mentioned activities;
  - (c) a workplace where the only activities being undertaken are the exploration for or extraction of mineral resources; or
  - (d) a workplace which is situated in the immediate vicinity of another workplace or intended workplace where exploration for or extraction of mineral resources is being or will be undertaken, and where the only activities being undertaken are activities preparatory to, for the purposes of, or in connection with such exploration for or extraction of mineral resources at that other workplace.

(2) In their application to temporary work sites, any requirement to ensure a workplace complies with any of the provisions of regulations 20 to 25 shall have effect as a requirement to so ensure so far as is reasonably practicable.

(3) As respects any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicles (Excise) Act (Northern Ireland) 1972<sup>(4)</sup> or a vehicle exempted from duty under that Act—

- (a) regulations 5 to 12 and 14 to 25 shall not apply to any such workplace; and
- (b) regulation 13 shall apply to any such workplace only when the aircraft, locomotive or rolling stock, trailer or semi-trailer or vehicle is stationary inside a workplace and, in the case of a vehicle for which a licence is in force under the Vehicles (Excise) (Northern Ireland) Act 1972, is not on a public road.

(4) As respects any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings—

- (a) regulations 5 to 19 and 23 to 25 shall not apply to any such workplace; and
- (b) any requirement to ensure that any such workplace complies with any of the provisions of regulations 20 to 22 shall have effect as a requirement to so ensure so far as is reasonably practicable.

### Requirements under these Regulations

#### 4. —

(1) Every employer shall ensure that every workplace, modification, extension or conversion which is under his control and where any of his employees works complies with any requirement of these Regulations which—

- (a) applies to that workplace or, as the case may be, to the workplace which contains that modification, extension or conversion; and

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(2) S.I. 1989 No. 320 to which there are amendments not relevant to these Regulations

(3) 1965 c. 20 (N.I.); the definition of “works of engineering construction” in section 176 has been extended by S.R. & O. (N.I.) 1960 No. 65 and S.R. & O. (N.I.) 1968 No. 235

(4) 1972 c. 10 (N.I.)

(b) is in operation in respect of the workplace, modification, extension or conversion.

(2) Subject to paragraph (4), every person who has, to any extent, control of a workplace, modification, extension or conversion shall ensure that such workplace, modification, extension or conversion complies in each case with any requirement of these Regulations which—

(a) applies to that workplace or, as the case may be, to the workplace which contains that modification, extension or conversion;

(b) is in operation in respect of the workplace, modification, extension, or conversion; and

(c) relates to matters within that person's control.

(3) Any reference to a person having control of any workplace, modification, extension or conversion is a reference to a person having control of the workplace, modification, extension or conversion in connection with the carrying on by him or a trade, business or other undertaking (whether for profit or not).

(4) Paragraph (2) shall not impose any requirements upon a self-employed person in respect of his own work or the work of any partner of his in the undertaking.

(5) Every person who is deemed to be the occupier of a factory by virtue of section 175(5) of the Factories Act (Northern Ireland) 1965 shall ensure that the premises which are so deemed to be a factory comply with these Regulations.

## **Maintenance of workplace, and of equipment, devices and systems**

### **5. —**

(1) The workplace and the equipment, devices and systems to which this regulation applies shall be maintained (including cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

(2) Where appropriate, the equipment, devices and systems to which this regulations applies shall be subject to a suitable system of maintenance.

(3) The equipment, devices and systems to which this regulation applies are—

(a) equipment and devices a fault in which is liable to result in a failure to comply with any of these Regulations; and

(b) mechanical ventilation systems provided pursuant to regulation 6 (whether they include equipment or devices within sub-paragraph (a) or not).

## **Ventilation**

### **6. —**

(1) Effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.

(2) Where necessary for reasons of health or safety any plant used for the purpose of complying with paragraph (1) shall include an effective device to give visible or audible warning of any failure of that plant.

(3) This regulation shall not apply to any enclosed workplace or part of a workplace which is subject to the provisions of—

(a) section 31 of the Factories Act (Northern Ireland) 1965(5);

(b) regulations 48 to 51 of the Shipbuilding and Ship-Repairing Regulations (Northern Ireland) 1971(6);

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(5) 1965 c. 20 (N.I.); section 31 is amended by S.R. 1984 No. 283

(6) S.R. & O. (N.I.)1971 No. 372; regulation 50 is amended by S.R. 1991 No. 13

- (c) regulation 21 of the Construction (General Provisions) Regulations (Northern Ireland) 1963(7);
- (d) regulation 18 of the Docks Regulations (Northern Ireland) 1989.

### **Temperature in indoor workplaces**

#### **7. —**

- (1) During working hours, the temperature in all workplaces inside buildings shall be reasonable.
- (2) A method of heating or cooling shall not be used which results in the escape into a workplace of fumes, gas or vapour of such character and to such extent that they are likely to be injurious or offensive to any person.
- (3) A sufficient number of thermometers shall be provided to enable persons at work to determine the temperature in any workplace inside a building.

### **Lighting**

#### **8. —**

- (1) Every workplace shall have suitable and sufficient lighting.
- (2) The lighting mentioned in paragraph (1) shall, so far as is reasonably practicable, be by natural light.
- (3) Without prejudice to the generality of paragraph (1), suitable and sufficient emergency lighting shall be provided in any room in circumstances in which persons at work are specially exposed to danger in the event of failure of artificial lighting.

### **Cleanliness and waste materials**

#### **9. —**

- (1) Every workplace and the furniture, furnishings and fittings therein shall be kept sufficiently clean.
- (2) The surfaces of the floors, walls and ceilings of all workplaces inside buildings shall be capable of being kept sufficiently clean.
- (3) So far as reasonably practicable, waste materials shall not be allowed to accumulate in a workplace except in suitable receptacles.

### **Room dimensions and space**

#### **10. —**

- (1) Every room where persons work shall have sufficient floor area, height and unoccupied space for purposes of health, safety and welfare.
- (2) It shall be sufficient compliance with this regulation in a workplace which is not a new workplace, a modification, an extension or a conversion and which, immediately before this regulation came into operation in respect of it, was subject to the provisions of the Factories Act (Northern Ireland) 1965 if the workplace does not contravene the provisions of Part I of Schedule 1.

### **Workstations and seating**

#### **11. —**

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(7) [S.R. & O. \(N.I.\) 1963 No. 87](#), to which there are amendments not relevant to these Regulations.

(1) Every workstation shall be so arranged that it is suitable both for any person at work in the workplace who is likely to work at that workstation and for any work of the undertaking which is likely to be done there.

(2) Without prejudice to the generality of paragraph (1), every workstation outdoors shall be so arranged that—

- (a) so far as is reasonably practicable, it provides protection from adverse weather;
- (b) it enables any person at the workstation to leave it swiftly or, as appropriate, to be assisted in the event of an emergency; and
- (c) it ensures that any person at the workstation is not likely to slip or fall.

(3) A suitable seat shall be provided for each person at work in the workplace whose work includes operations of a kind that the work (or a substantial part of it) can or must be done sitting.

(4) A seat shall not be suitable for the purpose of paragraph (3) unless—

- (a) it is suitable for the person for whom it is provided as well as for the operations to be performed; and
- (b) a suitable footrest is also provided where necessary.

### **Conditions of floors and traffic routes**

#### **12. —**

(1) Every floor in a workplace and the surface of every traffic route in a workplace shall be of a construction such that the floor or surface of the traffic route is suitable for the purpose for which it is used.

(2) Without prejudice to the generality of paragraph (1), the requirements in that paragraph shall include requirements that—

- (a) the floor, or surface of the traffic route, shall have no hole or slope, or be uneven or slippery so as, in each case, to expose any person to any risk to his health or safety; and
- (b) every such floor shall have effective means of drainage where necessary.

(3) So far as is reasonably practicable, every floor in a workplace and the surface of every traffic route in a workplace shall be kept free from obstructions and from any article or substance which may cause any person to slip, trip or fall.

(4) In considering whether for the purposes of paragraph (2)(a) a hole or slope exposes any person to a risk to his health or safety—

- (a) no account shall be taken of a hole where adequate measures have been taken to prevent a person falling; and
- (b) account shall be taken of any handrail provided in connection with any slope.

(5) Suitable and sufficient handrails and, if appropriate, guards shall be provided on all traffic routes which are staircases except in circumstances in which a handrail can not be provided without obstructing the traffic route.

### **Falls or falling objects**

#### **13. —**

(1) So far as is reasonably practicable, suitable and effective measures shall be taken to prevent the occurrence of any event specified in paragraph (3).

(2) So far as is reasonably practicable, the measures required by paragraph (1) shall be measures other than the provision of personal protective equipment, information, instruction, training or supervision.

(3) The events specified are:—

- (a) any person falling a distance likely to cause personal injury;
- (b) any person being struck by a falling object likely to cause personal injury.

(4) Any area where there is a risk to health or safety from the occurrence of any event specified in paragraph (3) shall be clearly indicated where appropriate.

(5) So far as is practicable, every tank, pit or structure where there is a risk of any person in the workplace falling into any dangerous substance in the tank, pit or structure, shall be securely covered or fenced.

(6) Every traffic route over, across or in an uncovered tank, pit or structure such as is mentioned in paragraph (5) shall be securely fenced.

(7) In this regulation, “dangerous substance” means—

- (a) any substance likely to scald or burn;
- (b) any poisonous substance;
- (c) any corrosive substance;
- (d) any fumes, as or vapour likely to overcome a person; or
- (e) any granular or free-flowing solid substance, or any viscous substance which, in any case, is of a nature or quantity likely to cause danger to any person.

#### **Windows and transparent or translucent doors, gates and walls**

**14.** Every window or other transparent or translucent surface in a wall or partition and every transparent or translucent surface in a door or gate shall, where necessary for reasons of health or safety—

- (a) be of safety material or be protected against breakage of the said transparent or translucent material; and
- (b) be appropriately marked or incorporate features so as, in either case, to make it apparent.

#### **Windows, skylights and ventilators**

**15.** —

(1) No windows, skylight or ventilator which is capable of being opened shall be likely to be opened, closed or adjusted in a manner which exposes any person performing such operation to any risk to his health or safety.

(2) No window, skylight or ventilator shall be in a position when open which is likely to expose any person in the workplace to any risk to his health or safety.

#### **Design of windows and skylights**

**16.** —

(1) All windows and skylights in any workplace shall be of a design or be so constructed that they may be cleaned safely.

(2) In considering whether any window or skylight is of a design or so constructed as to comply with paragraph (1), account may be taken of equipment used in conjunction with that window or skylight or of devices fitted to the building.

#### **Organisation and suitability of traffic routes**

**17.** —

(1) Every workplace shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner.

(2) Traffic routes in a workplace shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) Without prejudice to the generality of paragraph (2), traffic routes shall not satisfy the requirements of that paragraph unless suitable measures are taken to ensure that—

- (a) pedestrians or, as the case may be, vehicles may use a traffic route without causing danger to the health and safety of persons at work near it;
- (b) there is sufficient separation of any traffic route for vehicles from doors or gates or from traffic routes for pedestrians which lead onto it; and
- (c) where vehicles and pedestrians use the same traffic route, there is sufficient separation between them.

(4) All traffic routes shall be suitably indicated where necessary for reasons of health or safety.

(5) Paragraph (2) shall apply so far as is reasonably practicable, to a workplace which is not a new workplace, a modification, an extension or a conversion.

### **Doors and gates**

#### **18. —**

(1) Doors and gates shall be suitably constructed and shall be fitted with any necessary safety devices.

(2) Without prejudice to the generality of paragraph (1), doors and gates shall not comply with that paragraph unless—

- (a) any sliding door or gate has a device to prevent it coming off its track during use;
- (b) any upward opening door or gate has a device to prevent it falling back;
- (c) any powered door or gate has suitable and effective features to prevent it causing injury by trapping any person;
- (d) where necessary for reasons of health or safety, any powered door or gate can be operated manually unless it opens automatically if the power fails; and
- (e) any door or gate which is capable of opening by being pushed from either side is of such a construction as to provide, when closed, a clear view of the space close to both sides.

### **Escalators and moving walkways**

#### **19. Escalators and moving walkways shall:—**

- (a) function safely;
- (b) be equipped with any necessary safety devices; and
- (c) be fitted with one or more emergency stop controls which are easily identifiable and readily accessible.

### **Sanitary conveniences**

#### **20. —**

(1) Suitable and sufficient sanitary conveniences shall be provided at readily accessible places.

(2) Without prejudice to the generality of paragraph (1), sanitary conveniences shall not be suitable unless—

- (a) the rooms containing them are sufficiently ventilated and lit;

- (b) they and the rooms containing them are kept in a clean and orderly condition; and
- (c) separate rooms containing conveniences are provided for men and women, except where and so far as each convenience is in a separate room the door of which is capable of being secured from inside.

(3) It shall be sufficient compliance with the requirement in paragraph (1) to provide sufficient sanitary conveniences in a workplace which is not a new workplace, a modification, an extension or a conversion and which, immediately before this regulation came into operation in respect of it, was subject to the provisions of the Factories Act (Northern Ireland) 1965 if sanitary conveniences are provided in accordance with the provisions of Part II of Schedule 1.

### **Washing facilities**

#### **21. —**

(1) Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall be provided at readily accessible places.

(2) Without prejudice to the generality of paragraph (1), washing facilities shall not be suitable unless—

- (a) they are provided in the immediate vicinity of every sanitary convenience, whether or not also provided elsewhere;
- (b) they are provided in the vicinity of any changing rooms required by these Regulations, whether or not also provided elsewhere;
- (c) they include a supply of clean hot and cold, or warm, water (which so far as is practicable shall be running water);
- (d) they include soap or other suitable means of cleaning;
- (e) they include towels or other suitable means of drying;
- (f) the rooms containing them are sufficiently ventilated and lit;
- (g) they and the rooms containing them are kept in a clean and orderly condition; and
- (h) separate facilities are provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.

(3) Paragraph (2)(h) shall not apply to facilities which are provided for washing hands, forearms and face only.

### **Drinking water**

#### **22. —**

(1) An adequate supply of wholesome drinking water shall be provided for all persons at work in the workplace.

(2) Every supply of drinking water required by paragraph (1) shall—

- (a) be readily accessible at suitable places; and
- (b) be conspicuously marked by an appropriate sign where necessary for reasons of health or safety.

(3) Where a supply of drinking water is required by paragraph (1), there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.



### **Accommodation for clothing**

**23. —**

- (1) Suitable and sufficient accommodation shall be provided—
  - (a) for the clothing of any person at work other than clothing which is worn during working hours; and
  - (b) for special clothing which is worn by any person at work but which is not taken home.
- (2) Without prejudice to the generality of paragraph (1), the accommodation mentioned in that paragraph shall not be suitable unless—
  - (a) where facilities for changing clothing are required by regulation 24, it provides suitable security for the clothing mentioned in paragraph (1)(a);
  - (b) where necessary to avoid risks to health or damage to the clothing, it includes separate accommodation for clothing worn at work and for other clothing;
  - (c) so far as is reasonably practicable, it allows, or includes facilities for drying clothing; and
  - (d) it is in a suitable location.

### **Facilities for changing clothing**

**24. —**

- (1) Suitable and sufficient facilities shall be provided for any person at work in the workplace to change clothing in all cases where—
  - (a) the person has to wear special clothing for the purpose of work; and
  - (b) the person can not, for reasons of health or propriety, be expected to change in another room.
- (2) Without prejudice to the generality of paragraph (1), the facilities mentioned in that paragraph shall not be suitable unless, where necessary for reasons of propriety, they include separate facilities for, or separate use of facilities by, men and women.

### **Facilities for rest and for eating meals**

**25. —**

- (1) Suitable and sufficient rest facilities shall be provided at readily accessible places.
- (2) Rest facilities provided by virtue of paragraph (1) shall—
  - (a) where necessary for reasons of health or safety include, in the case of a new workplace, an extension or a conversion, rest facilities provided in one or more rest rooms, or, in other cases, in rest rooms or rest areas; and
  - (b) include suitable facilities to eat meals where food eaten in the workplace would otherwise be likely to become contaminated.
- (3) Rest rooms and rest areas shall include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke.
- (4) Suitable facilities shall be provided for any person at work who is a pregnant women or nursing women or nursing mother to rest.
- (5) Where meals are regularly eaten in the workplace suitable and sufficient facilities shall be provided for persons at work to eat such meals.

### **Exemption certificate**

**26. —**

(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any of the home forces, any visiting force or any headquarters from any of the requirements of these Regulations and any exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a further certificate in writing at any time.

(2) In this regulation—

- (a) “the home forces” has the same meaning as in section 12(1) of the Visiting Forces Act 1952<sup>(8)</sup>;
- (b) “headquarters” has the same meaning as in Article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965<sup>(9)</sup>;
- (c) “visiting force” has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

### **Repeals and revocations**

**27. —**

(1) The enactments mentioned in Part I of Schedule 2 are repealed to the extent specified in column 3 of that Part.

(2) The statutory provisions mentioned in Part II of Schedule 2 are revoked to the extent specified in column 3 of that Part.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

3rd February 1993.

*Philip B. Strong*  
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on

L.S.

3rd February 1993.

*I. C. Henderson*  
Assistant Secretary

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<sup>(8)</sup> 1952 c. 67

<sup>(9)</sup> S.I. 1965/1536, to which there are amendments not relevant to these Regulations.

Sealed with the Official Seal of the Department of the Environment on

L.S.

3rd February 1993.

*Trevor Pearson*  
Assistant Secretary