

SIMPLE GUIDE TO THE PROVISION AND USE OF WORK EQUIPMENT

Introduction

This guide provides information about the legal requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER) which came into force on 5 December 1998. It gives a general indication of some of the main requirements of the Regulations. However, it is important that you refer to the Regulations and accompanying Approved Code of Practice to familiarise yourself fully with your duties (see Further information at the back of the leaflet).

What is PUWER?

PUWER replaces the Provision and Use of Work Equipment Regulations 1992 and carries forward these existing requirements with a few changes and additions, for example the inspection of work equipment and specific new requirements for mobile work equipment. Many aspects of PUWER should therefore be familiar to you. The Regulations require risks to people's health and safety, from equipment that they use at work, to be prevented or controlled. In addition to the requirements of PUWER, lifting equipment is also subject to the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (see Further information).

What does PUWER do?

In general terms, the Regulations require that equipment provided for use at work is:

- suitable for the intended use;
- safe for use, maintained in a safe condition and, in certain circumstances, inspected to ensure this remains the case;
- used only by people who have received adequate information, instruction and training; and
- accompanied by suitable safety measures, eg protective devices, markings, warnings.

What equipment is covered by the Regulations?

Generally, ANY EQUIPMENT which is USED BY AN EMPLOYEE AT WORK is covered, for example hammers, knives, ladders, drilling machines, power presses, circular saws, photocopiers, lifting equipment (including lifts), dumper trucks and motor vehicles. Similarly, if you allow employees to provide their own equipment, it too will be covered by PUWER and you will need to make sure it complies.

Work equipment must meet ALL the requirements of the Regulations from 5 December 1998. However, requirements relating to certain aspects of mobile work equipment (see below) DO NOT apply to such equipment (provided for use in the business before 5 December 1998) until 5 December 2002. HSE information sheet MISC156 should be read if you use hired mobile work equipment, see Further information.

Examples of uses of equipment which are covered by the Regulations include starting or stopping the equipment, repairing, modifying, maintaining, servicing, cleaning and transporting.

Do the Regulations apply to me?

If you are an employer or self-employed person and you provide equipment for use at work, or if you have control of the use of equipment, then the Regulations will apply to you.

They DO NOT apply to equipment used by the public, for example compressed air equipment used in a garage forecourt. However, such circumstances are covered by the Health and Safety at Work etc Act 1974 (HSW Act). While your employees DO NOT have duties under PUWER, they do have general duties under the HSW Act and the Management of Health and Safety at Work Regulations 1992 (MHSWR), for example to take reasonable care of themselves and others who may be affected by their actions, and to co-operate with others.

The Regulations cover places where the HSW Act applies - these include factories, offshore installations, offices, shops, hospitals, hotels, places of entertainment etc. PUWER also applies in common parts of shared buildings and temporary places of work such as construction sites. While the Regulations cover equipment used by people working from home, they DO NOT apply to domestic work in a private household.

What do the Regulations require me to do?

You must ENSURE that the work equipment you provide meets the requirements of PUWER. In doing so, you should ensure that it is:

- SUITABLE for use, and for the purpose and conditions in which it is used;
- MAINTAINED in a safe condition for use so that people's health and safety is not at risk; and
- INSPECTED in certain circumstances to ensure that it is, and continues to be, safe for use. Any inspection should be carried out by a competent person (this could be an employee if they have the necessary competence to perform the task) and a record kept until the next inspection.

You should also ENSURE that RISKS, created by the use of the equipment, ARE ELIMINATED WHERE POSSIBLE OR CONTROLLED BY:

- taking appropriate 'HARDWARE' MEASURES, eg providing suitable guards, protection devices, markings and warning devices, system control devices (such as emergency stop buttons) and personal protective equipment; and
- taking appropriate 'SOFTWARE' MEASURES such as following safe systems of work (eg ensuring maintenance is only performed when equipment is shut down etc), and providing adequate information, instruction and training.

A combination of these measures may be necessary depending on the requirements of the work, your assessment of the risks involved, and the practicability of such measures.

You need to ENSURE that people using work equipment have received ADEQUATE TRAINING, INSTRUCTION AND INFORMATION for the particular equipment.

Mobile work equipment

In addition to these general requirements which apply to all work equipment, Part III of PUWER contains specific duties regarding mobile work equipment, for example fork-lift trucks and dumper trucks.

You should ENSURE that where mobile work equipment is used for carrying people, it is suitable for this purpose. Measures should be taken to reduce the risks (eg from it rolling over) to the safety of the people being carried, the operator and anyone else.

Power presses

Part IV of the Regulations also contains specific requirements regarding power presses. In particular, you should have a power press, and associated guard or protection device, thoroughly examined at specified intervals and inspected daily in use to ENSURE that it is safe. This work should only be performed by a competent person; records should be kept.

How do the Regulations relate to other health and safety legislation?

The requirements of the Regulations need to be considered alongside other health and safety law. For example, section 2 of the HSW Act requires all employers to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees. Similarly, the MHSWR contain important duties relating to the carrying out of a risk assessment to identify measures that you can take to eliminate, or reduce, the risks presented by the particular hazards in your workplace. Guidance on how to do this is set out in 5 STEPS TO RISK ASSESSMENT (see Further information). Other more specific legislation may also apply, for example:

- The Workplace (Health, Safety and Welfare) Regulations 1992, which cover, for example, workplace risks to pedestrians from vehicles;
- The Construction (Health, Safety and Welfare) Regulations 1996 which contain, for example, specific requirements relating to certain types of work equipment such as scaffolding.

Generally, if you are meeting the requirements of more specific legislation such as those outlined above, then this should normally be sufficient to meet the more general requirements of PUWER.

How are the Regulations enforced?

Health and safety inspectors enforce the Regulations. If you have duties under PUWER you will be given time to assimilate the requirements which are new. However, where there are serious risks, or the requirements are not new, inspectors will be prepared to take firm enforcement action.

Because of the particular problems faced by hire companies in meeting the requirements of regulations 26 and 27 of PUWER (ie taking appropriate action to minimise the risks from mobile work equipment rolling over), inspectors will adopt a practical approach to enforcement. Advice is given in HSE information sheet HIRING AND LEASING OUT OF PLANT: APPLICATION OF PUWER 98, REGULATIONS 26 AND 27 (see Further information).

Further information

The following publications are available from HSE Books:

- SAFE USE OF WORK EQUIPMENT. PROVISION AND USE OF WORK EQUIPMENT. PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998. APPROVED CODE OF PRACTICE AND GUIDANCE L22 HSE Books 1998 ISBN 0 7176 1626 6
- SAFE USE OF POWER PRESSES. PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998 AS APPLIED TO POWER PRESSES. APPROVED CODE OF PRACTICE AND GUIDANCE L112 HSE Books 1998 ISBN 0 7176 1627 4
- SAFE USE OF WOODWORKING MACHINERY. PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998 AS APPLIED TO WOODWORKING. APPROVED CODE OF PRACTICE AND GUIDANCE L114 HSE Books 1998 ISBN 0 7176 1630 4
- SAFE USE OF LIFTING EQUIPMENT. LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS 1998. APPROVED CODE OF PRACTICE AND GUIDANCE L113 HSE Books 1998 ISBN 0 7176 1628 2
- SIMPLE GUIDE TO THE LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS 1998 INDG290 HSE Books 1999 (single copies free, multiple copies in priced packs ISBN 0 7176 2430 7)
- 5 STEPS TO RISK ASSESSMENT INDG163 HSE Books 1995 (single copies free; ISBN 0 7176 0904 9 for priced packs)
- MANAGING HEALTH AND SAFETY: 5 STEPS TO SUCCESS INDG275 HSE Books 1998
- BUYING NEW MACHINERY INDG271 (single copies free; ISBN 0 7176 1559 6 for priced packs)
- WORKPLACE TRANSPORT SAFETY: GUIDANCE FOR EMPLOYERS HSG136 HSE Books 1995 ISBN 0 7176 0935 9
- MANAGING VEHICLE SAFETY AT THE WORKPLACE: A SHORT GUIDE FOR EMPLOYERS INDG199 HSE Books 1995 (single copies free; ISBN 0 7176 0982 0 for priced packs)
- HIRING AND LEASING OUT OF PLANT: APPLICATION OF PUWER 98, REGULATIONS 26 AND 27 MISC156 HSE Books 1998

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