**Moving and Handling – Legislation**

The following legislation may be relevant for assessing moving and handling risks:

**Health and Safety at Work etc Act 1974**

The Health and Safety at Work etc Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain.

**Employers are required to:**

“Ensure as far as reasonably practicable the health, safety and welfare at work of all their employees”

This includes the provision and maintenance of;

* Safe systems of work
* Safe handling, storage, maintenance and transport of articles and substances
* Necessary information, instruction, training, and supervision
* A safe place of worker
* A safe working environment
* A written safety policy

Employers also have duties to people who are not in their employment.

Employers have duties to people they do not employ but who may be affected by their work activities, this cold include service users, visitors, volunteers etc.

**Employees are required to:**

* Take reasonable care of their own health and safety, and that of others who may be affected by what they do or fail to do.
* Must co-operate with their employer on matters of health and safety
* Not intentionally interfere with or misuse anything provided in the interest of health and safety.

**Manual Handling Operations Regulations 1992**

The guidance explains how to avoid, assess, and reduce the risk of injury from manual handling.

**Employers are required to:**

* Avoid hazardous manual handling operations where possible
* Assess any hazardous manual handling activity that cannot be avoided. This should include an assessment of all relevant factors including the task, load, working environment and individual capability of the worker and other factors.
* Reduce the risk of injury to the lowest level reasonably practicable.
* Inform employees of measures to reduce risk and if reasonably practicable.
* Review assessments as changes occur.

**Employees are required to:**

* Make full and proper use of systems of work put in place by the employer to reduce the risk of injury.
* Report any concerns.

**The Management of Health and Safety at Work Regulations 1999**

Requires employers to assess risks and make arrangements to ensure people’s health and safety.

**Employers are required to:**

* Assess risk
* Provide information, instruction, and training.
* Establish procedure for danger
* Appointment competent persons

**Employees are required to:**

* Work in accordance with training and instructions.
* Report changes, poor practice and short comings in training and instruction which has a negative impact on the protection arrangements.

**Provision and Use of Work Equipment Regulations 1998 (PUWER)**

These Regulations, commonly known as PUWER, place duties on people and companies who own, operate, or have control over work equipment. PUWER also places responsibilities on businesses and organisations whose employees use work equipment, whether owned by them or not.

These regulations apply to all equipment that may be used at work, this may include wheelchairs, beds, transfer equipment including hoists.

**Employers are required to:**

* Provide and ensure the equipment is suitable
* Ensure equipment is only used for the purpose it was intended
* Ensure equipment is maintained in a safe condition and maintenance records are kept
* Provide adequate information, supervision, instruction, and training

**Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)**

LOLER applies to lifting equipment and builds on the requirements of the Provision and Use of Work Equipment Regulations (PUWER).

These regulations apply to the use of lifting equipment provided as work equipment for lifting or lowering of loads and includes attachments/accessories used for anchoring, fixing or supporting.

Employers are required to:

* Ensure lifting equipment is safe and installed to minimise risk
* Ensure lifting equipment carries information to indicate safe working limits, its purpose and use
* Ensure all lifting operations are planned, supervised and performed by competent people
* Ensure regular examination/inspection of equipment is carried out by a competent person, this should be very 6 months for people lifting equipment, including accessories e.g. slings
* Keep maintenance/inspection records
* A person carrying out an inspection is required o report defects to the employer

**Reporting accidents and incidents**

All accidents and incidents should be reported including those associated with manual handling. The Health and Safety at Work Act 1974 requires employers to create and maintain reporting systems, and for employees to cooperate with them to in order to create a safe place of work.

**Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations 1995**

These regulations require certain injuries, diseases and occurrences to be reported to the enforcing authority. This is applies to deaths, serious injuries and incidents where the individual is off work as a result of an accident or if they require a change to light duties.

**Summary of employee’s responsibilities**

As an employee you have a legal duty to take reasonable care of your own health and safety and that of others who may be affected by what you do or do not do. To ensure you fulfill your responsibilities:

* Familiarise yourself with safer moving and handling policies, procedures/guidelines provided by your employer
* Follow guidance provided by the employer on matters of health and safety
* Use equipment provide for your safety e.g. hoists
* Do not interfere or misuse anything provided for your health, safety, and welfare
* Look out for hazards and report any that you cannot deal with safely to your manager
* Inform your manager and anyone else who gives you handling instructions of any health or fitness condition that may affect your safety whilst performing a handling activity
* Following training and instructions provided on moving and handling e.g. manual handling policy, care plans, guidelines, procedures etc.
* Do not carry out an activity that you know or suspect that you are not competent to do
* Report all accidents, incidents and near misses
* Do not use equipment if you unsure how to use it
* Wear appropriate comfortable, loose-fitting clothing and suitable footwear i.e. full, flat shoes. Keep fingernails short, remove jewellery and tie long heir back.

***References:***

*HME (Handling, Movement and Ergonomics), (2005), Moving and Handling Core Skills Handbook.*

*Better Outcomes in Adult Care Training Consultancy, (2021), Manual Handling Risk Assessment Theory Workbook.*