

# Legislation Offshore

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## Introduction

Please note there are no questions in this section, just information and guidance.

Legislation often changes and is very complex therefore never rely on memory when referring to legislation always refer to the most up to date written information. The Approved Codes issued in support of regulations often change, whereas the regulations remain the same. As with the offshore first aid regulations issued in 1989, the current ACOP and Guidance was issued in 2000 and came into effect in 2001.

It is not necessary to remember the various regulations in detail but you should be aware of what current legislation may impact on your job as a medic.

Legislation is couched in legal terminology, which makes it very difficult to understand therefore the Health and Safety Commission (HSC) and Health and Safety Executive (HSE) produce Approved Codes of Practice and Guidance. It is these documents where you will find the relevant information on what you need to do as a minimum and it is these documents you should have to hand rather than the regulations themselves. (The relevant regulation is reproduced in the document alongside the ACOP or Guidance in any case).

Because the subject is vast and ever changing we have simply highlighted the major points covered by the relevant legislation and in particular those points of interest to the medic. We have tried to focus particularly on legislation relevant to health and therefore some pieces of legislation have been omitted because they either are pure safety legislation or they have little or no impact on your function as a medic.

On 1st April 2008 the Health and Safety Commission (HSC) and Health and Safety Executive (HSE) merged into the now one organisation, the Health and Safety Executive (HSE)

## 1. Elements of Law

- Acts of Parliament: The principle Act in terms of health and safety is the Health and Safety at Work Act 1974 (HSW Act) and sets out very general duties for both employers and employees.
- Regulations: (Statutory Instruments) Regulations in respect of health and safety in UK are made under provisions of the HSW Act and set out more specific duties to be complied with.
- Approved Codes of Practice (ACOP) have a special status in law. If you follow the advice given in the code you will be doing enough to comply with the law. If you do not you will need to show that you have complied in some other way. The Health and Safety Executive (HSE) can use failure to follow the code to show you have not complied with the law.
- Guidance Notes are simply advice, they do not have the same status in law as ACOPs.
- Codes of Practice (COP) (Industry) are issued by a variety of industries. These represent best practice and can be followed where there is no specific guidance from HSE.
- Memoranda: These are issued by the HSE and are usually specifically safety related.

## 2. The Health and Safety at Work Act 1974

This act is the basis for all H&S legislation. It is applied offshore by the Health and Safety at Work Act 1974 (Application outside Great Britain) Order 2001, although it is only sections 1 to 59 and 80 to 82 that actually apply.

It is known as an Enabling Act in that it enables the making of more specific regulations. It sets out general Duties of Employers and Employees. Because it is such an important piece of legislation we have elaborated on these general duties.

### General Duties

The duties under this act are of a general nature and all embracing. The duties placed on employers are the nucleus of the act. Employers being primarily responsible for the safety of their employees.

The Key parts are briefly summarised:

**Section 2:** General duties of employers to their employees. To ensure so far as reasonably practicable, the health, safety and welfare of all their employees.

**Section 2 (2):** goes on to be slightly more precise in requiring:

- a) The provision and maintenance of plant and systems of work that are "so far as is reasonably practicable" safe and without risks to health.
- b) Arrangements for insuring so far as is reasonably practicable safety and absence of risks to health in connection with:
  - a. Use
  - b. Handling
  - c. Storage
  - d. Transport of articles and substances
- c) The provision of such information, instruction, training and supervision as is necessary as far as is reasonably practicable the health and safety at work of his employees.
- d) So far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risk to health and the provision and maintenance of means of access and egress that are safe and without such risks.
- e) The provision and maintenance of a working environment for his employees so far as is reasonably practicable safe without risks to health and adequate as regards facilities and arrangements for their welfare at their work.

**Note:** All these general duties of section 2.2 are now covered by specific regulations which are much more precise in their requirements.

Further sub-sections of section 2 make requirements to have a written Health and Safety Policy, to employ safety reps and to consult with them and to create safety committees if requested.

**Section 3:** General duty of employers and self-employed to persons not in their employment

**Section 4:** General duties of persons concerned with premises to persons other than their employees

**Section 5:** Dealt with preventing noxious emissions and was repealed by the Environment Protection Act 1990

**Section 6:** General duties of manufacturers etc. as regards the safety of articles and substances for use at work

**Section 7:** So far the duty to comply has been placed upon the employer, this is the first of the requirements placed on employees and places a general duty on all employees to take care of their own health and safety and that of others who might be affected by their acts or omissions

**Section 8:** The duty of employees not to interfere with or misuse things provided for the purposes of health and safety legislation

**Section 9:** The duty of employers not to charge employees for things done or provided for the purposes of health and safety legislation, this means for example, safety glasses, hard hats and boots

## 3. Regulations Relating to Health

### Management of Health and Safety at Work Regulations 1999

Probably the next most important piece of legislation after the Act are the management regulations. They require that there be a system in place to manage health and safety, the main parts are:

**Regulation 3:** Employers to carry out risk assessments

**Regulation 4:** Apply Principles of Prevention

- Avoid Risks
- Evaluate risks that cannot be avoided
- Combat risk at source
- Adapt the work to the individual
- Adopt technical / technological progress
- Replace dangerous by non-dangerous
- Develop overall prevention policy
- Collective protection priority over individual
- Give appropriate instruction and training

**Regulation 5:** H&S Arrangements

- Organisation
- Control
- Monitoring
- Review

**Regulation 6:** Health Surveillance

There is a requirement to carry out health surveillance where there is a recognised risk to health. Specific Regulations cover health surveillance for:

- Asbestos

- Lead
- Ionising Radiation

OSHH regulations will cover health surveillance for:

- Chemicals
- Solvents
- Dusts

Gases etc.

**Regulation 7:** Appoint Competent Persons. **Note:** MHSWR – Special Requirements

**Regulation 10:** Information on risks to health and preventive / protective measures

**Regulation 13:** Capabilities, for instance is the person fit to work in terms of Health?

**Regulation 16, 17, 18:** Pregnant Workers

**Regulation 19:** Protection of young workers

**Regulation 22:** Exclusion of civil liability

## The Offshore Installations and Wells (Design and Construction etc) Regulations 1996

Schedule 1 to these regulations contains a list of requirements covering the design, layout and configuration of workplaces. They include physical factors such as:

- Access
- Ergonomic and Welfare facilities
- Noise levels
- Lighting levels
- Temperature
- Ventilation
- Provision of rest rooms. This means that the Workplace (Health, Safety and Welfare) Regulations 1992 do not apply offshore.

## The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

These regulations replace many of the more prescriptive regulations of the past with more broadly based requirements setting out objectives to be achieved. Certain of these regulations have an importance as far as the medic is concerned in particular:

**Regulation 16:** Requires the provision of Health Surveillance

**Regulation 17:** The provision of Drinking Water supplies

**Regulation 18:** The provision of Food supplies.

(Each of these will be dealt with in more detail in the relevant units)

The main areas covered are:

- The notification to HSE of changes of owner, in the case of mobile installations, or of operator, in the case of fixed installations; and of the movement of installations into or out of UK waters
- The appointment, functions, duties and powers of offshore installation managers
- Permit to work systems and the provision of written instructions
- The keeping of records of persons on board
- Various operational matters (including communications, meteorological information, identification by sea and air, and providing information to workers on the location of the relevant HSE office)
- The provision of health surveillance
- The provision of food and water supplies
- The need for co-operation among duty holders
- Arrangements for helideck operations

Amendments to the Offshore Installations (Safety Representatives and Safety Committees) Regulations (SI 1989/971).

Consequential amendments to other regulations (e.g. the Offshore Installations and Pipeline Works (First-Aid) Regulations (SI 1989/1671) to ensure consistency

## The Offshore Electricity and Noise Regulations 1998

These regulations in effect simply apply the existing Electricity at Work Regulations 1989 and the Control of Noise at Work Regulations 2005 that apply onshore to offshore installations through the provisions of the Application outside Great Britain Order 1995.

The regulations remove the reference to noise and vibration of plant contained in paragraph 67 of Schedule 1 to the Offshore Design and Construction Regulations. This separates the issue of noise levels, which may be hazardous to health, from that of noise that disturbs sleep and rest, so that they are dealt with in two separate sets of Regulations.

Therefore, noise that is hazardous to health will be dealt with by the noise at work regulations and noise that disturbs sleep etc. by the DC regulations.

## Health and Safety (Display Screen Equipment) Regulations 1992

**Regulation 1:** Defines

- User
- Operator
- Workstation

Prolonged use is taken to mean >1 hour continuous use

**Regulation 2:** Workstation Analysis

**Regulation 3:** Requirements for workstations (in The Schedule to the regulations)

**Regulation 4:** Arrange for breaks or changes

**Regulation 5:** Eye and Eyesight Tests

**Regulation 6:** Provide Training

**Regulation 7:** Provide Information



## Manual Handling Operations Regulations 1992

- Avoid manual handling
- Assess the risks
- Reduce the risks
- Additional information about the load
- The need to review the assessment
- Duty of Employees to comply

## Offshore installations and Pipeline Works (First Aid) Regulations 1989

The Approved Code of Practice Health care and first aid on offshore installations and pipeline works (L123), issued in support of these regulations is one of the most important reference documents for the offshore medic. You will find this as part of your course material. Regulation 5 is the main regulation that lays down what is required, the ACOP covers:

- All requirements for first aid and medical treatment
- Risk Assessment
- Provision of facilities
- Numbers of First Aiders required
- Equipment
- Specific Hazards and additional training
- Training for offshore first aiders and medics
- Requirement for Medical supervision of the medic and his work
- The availability of a doctor to give advice.

Much additional information is provided in the form of appendices at the end of the publication.

## Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

Require employers to notify certain occupational injuries, diseases and dangerous events and any occurrence that prevents a person working for more than 3 days. Form OIR 9B is used to report injuries and dangerous occurrences offshore and F2508 onshore. The form F2508A is used to report diseases both offshore and onshore. May now E-Mail notifications.

## Personal Protective Equipment (PPE) Regulations 1992

Require employers to provide appropriate protective clothing and equipment for their employees.

- Require adequate storage, maintenance
- Require employees to take care of PPE

PPE Regulations do not apply where the following apply:

- Control of Lead at Work Regulations
- Ionising Radiation Regulations
- Control of Asbestos at Work Regulations
- COSHH Regulations

## Control of Noise at Work Regulations 2005

These regulations set new higher and lower action values and peak values and made health surveillance in certain circumstances a requirement. The HSE have produced a guidance document L108. Noise will be covered in more detail in the practical week.

## The Control of Vibration at Work regulations 2005

More detailed guidance is produced by HSE in the form of “Hand – Arm Vibration, Guidance on the Regulations, L140”

## Control of Substances Hazardous to Health Regulations 2002

**Regulation 6:** Assessment

**Regulation 7:** Prevention or control of exposure

**Regulation 8 & 9:** Use of control measures and maintenance, examination and test of control measures

**Regulation 10:** Monitor exposure at the workplace

**Regulation 11:** Health surveillance

**Regulation 12:** Information training etc.

Specific Medical Requirements in relation to

- Lead
- Asbestos
- Ionising Radiation
- Work in Compressed Air

## The Offshore Installations (Safety Case) Regulations 1992

Require a safety case to be prepared for each installation. Regulation 8 requires it to include a demonstration of the adequacy of the safety management system (SMS). The arrangements for first aid and basic health care should form part of the SMS.

## The Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Regulations 1995 (PFEER)

Set out requirements for effective emergency response. This includes both major accidents and some lesser accidents, such as injury or illness to people who then need urgent evacuation for medical treatment or recuperation. Regulation 8 of PFEER requires an emergency response plan to be set out, and needs to include details of the role and responsibilities of those with specific duties in an emergency, including offshore medics and first aiders. You should be aware of your responsibilities and the part you would play in an emergency.

## Health related Legislation

You should be aware of the following legislation: most of it will be covered in relevant units.

- Disability Discrimination Act 1995
- Controlled Waste Regulations 1992
- Food Safety Act 1990
- The Food Hygiene (England) Regulations 2006
- Data Protection Act 1995

## 4. Summary

Legislation is complex and constantly changing. It is often difficult to keep up with.

There are a number of useful web sites in particular the HSE web site where offshore operations notices are published.

If you are quoting something related to legislation, make certain where it comes from. Is it part of a regulation, an ACOP or simply guidance. Remember that each has a different standing in law.

Finally, only the courts can interpret the law. As a medic you can only advise what might be needed to ensure compliance with legislation.

**Note:** Remember if you are at all in doubt make an effort to find out.



