

Subsidiary Legislation made under ss. 58 and 81.

**Workplace (Health, Safety and Welfare)
Regulations, 1996**

LN. 1996/028

	<i>Commencement</i>	1.3.1996
Amending enactments	Relevant current provisions	Commencement date
LN. 2006/144	r. 16(1)-(4)	7.12.2006

Transposing:
Directive 89/654/EEC

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In exercise of the powers conferred on him by sections 58 and 81 of the Factories Act, and of all other enabling powers, and for the purpose of transposing into the national law of Gibraltar Council Directive 89/654/EEC, the Governor has made the following regulations —

Title and commencement.

1.(1) These Regulations may be cited as the Workplace (Health, Safety and Welfare) Regulations, 1996 and, subject to subregulations (2) and (3) shall come into effect on the 1st day of March, 1996.

(2) Subject to subregulation (3), where on the effective date of these Regulations a person is an employer to whom these Regulations or any provision of them applies it shall be deemed sufficient compliance with these Regulations by that person if he shall have complied with them by the 1st day of June, 1996.

(3) Regulations 5 to 29 and the Schedule shall come into effect on the 1st day of July, 1996 with respect to any workplace or part of a workplace which is not—

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

Interpretation.

2.(1) In these Regulations, unless the context shall otherwise require—

“new workplace” means a workplace used for the first time as a workplace after 29th day of February, 1996;

“public road” means a road within the meaning of the Traffic Act;

“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 subregulation (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

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- (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 a conversion of any of the above until such modification, extension or conversion is completed.

(2) Any reference in these Regulations, except in subregulation (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 31st January 1996.

(3) Any requirement that anything done or provided in pursuance to 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.

(4) Terms defined in the Management of Health and Safety at Work Regulations, 1996 shall in these Regulations bear the meaning given to them in those regulations.

(5) The provisions of these Regulations are relevant statutory provisions.

Application of these Regulations.

3.(1) These Regulations apply to every workplace but shall not apply to—

- (a) a workplace where the only activities being undertaken are building operations or works of engineering construction within, in either case, section 6 and activities for the purpose of or in connection with the first-mentioned activities;
- (b) a workplace where the only activities being undertaken are the exploration for or extraction of mineral resources; or
- (c) 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 purpose 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 regulations 23 to 29 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 Traffic Act or a vehicle exempted from fees under that Act—

- (a) regulations 5 to 15 and 17 to 29 shall not apply to any such workplace; and
- (b) regulation 16 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 Traffic Act, 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 22 and 26 to 29 shall not apply to any such workplace; and
- (b) any requirement to ensure that any such workplace complies with any of regulations 23 to 25 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
- (b) is in force in respect of the workplace, modification, extension or conversion.

(2) Subject to subregulation (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 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 force in respect of the workplace, modification, extension, or conversion; and

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

(3) Any reference in this regulation 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 of a trade, business or other undertaking (whether for profit or not).

(4) Subregulation (2) shall not impose any requirement 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 5(3) 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 regulation 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 failure to comply with any of these Regulations; and
- (b) mechanical ventilation systems provided pursuant to regulation 6 (whether or not they include equipment or devices within paragraph (a)).

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

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.

(4) Every workplace containing a workstation shall be adequately thermally insulated, bearing in mind the type of undertaking involved and the physical activity of the workers.

Lighting.

8.(1) Every workplace shall have suitable and sufficient lighting.

(2) The lighting mentioned in subregulation (1) shall, so far as is reasonably practicable, be by natural light.

(3) Without prejudice to the generality of subregulation (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.

Electrical installations.

9.(1) Every electrical installation shall be designed and constructed so as not to present a fire or explosion hazard.

(2) The design, construction and choice of material and protection devices shall be appropriate to the voltage, external conditions and competence of persons with access to parts of such electrical installation.

Cleanliness and waste materials.

10.(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 is reasonably practicable, waste materials shall not be allowed to accumulate in a workplace except in suitable receptacles.

Room dimensions and space.

11.(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 force in respect of it, was subject to the provisions of the Act, if the workplace does not contravene the provisions of Part I of the Schedule.

Workstation and seating.

12.(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 subregulation (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 subregulation (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.

13.(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 subregulation (1), the requirements in that subregulation 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 a 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 a person to slip, trip or fall.

(4) In considering whether for the purposes of subregulation (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 cannot be provided without obstructing the traffic route.

Emergency routes and exits.

14.(1) Emergency routes and exits shall—

- (a) remain clear;
- (b) lead as directly as possible to the open air or to a safe area;
- (c) be indicated by suitable and durable signs placed at appropriate points; and
- (d) if requiring illumination, shall be provided with emergency lighting of adequate intensity in case the lighting fails.

- (2) Emergency doors shall—
- (a) open outwards; and
 - (b) not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency.
- (3) A door specifically intended as an emergency exit shall not be a sliding or revolving door.
- (4) The number, distribution and dimensions of the emergency routes and exits depends on the use, equipment and dimensions of the workplaces and the maximum number of persons that may be present.
- (5) Traffic routes and doors giving access to emergency routes and exits shall be free from obstruction so that they can be used at any time without hindrance.
- (6) In the event of danger, it shall be possible to evacuate every workstation quickly and as safely as possible.

Fire detection and fire fighting.

15.(1) Depending on the dimensions and use of the buildings, the equipment they contain, the physical and chemical properties of the substances present and the maximum potential number of people present, workplaces shall be equipped with appropriate fire fighting equipment and, as necessary, with fire detectors and alarm systems.

- (2) Non-automatic fire-fighting equipment shall be easily accessible and simple to use.
- (3) Fire fighting equipment mentioned in this regulation shall be indicated by suitable and durable signs placed at appropriate points.

Falls or falling objects.

16.(1) to (4) *revoked*.

- (5) So far as is practicable, every tank, pit or structure where there is a risk of a person in the workplace falling into a 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 subregulation (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 fume, gas 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 which is likely to cause danger to any person.

Windows, and transparent or translucent doors, gates and walls.

17. 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 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.

18.(1) No window, 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 a 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 a risk to his health or safety.

Ability to clean windows, etc. safely.

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

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

Organisation, etc. of traffic routes.

20.(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 subregulation (2), traffic routes shall not satisfy the requirements of that subregulation 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 or 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 and safety.

(5) Subregulation (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.

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

(2) Without prejudice to the generality of subregulation (1), doors and gates shall not comply with that subregulation 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;
 - (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; and
 - (f) their number and position are suitable having regard to their nature and use.
- (3) Doors along escape routes shall be appropriately marked and it shall be possible to open them—
- (a) from the inside at any time without special assistance;
 - (b) when the workplace is occupied.

Escalators and moving walkways.

22. Escalators and moving walkways shall—

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

Sanitary conveniences.

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

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

- (a) the rooms containing them are adequately 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 subregulation (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 force in respect of it, was subject to the provisions of the Act, if sanitary conveniences are provided in accordance with the provisions of Part II of the Schedule.

Washing facilities.

24.(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 subregulation (1), washing facilities shall not be suitable unless—

- (a) they are provided in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere as well;
- (b) they are provided in the vicinity of any changing rooms required by these Regulations, whether or not provided elsewhere as well;
- (c) they include a supply of clean hot and cold, or warm, water (which shall be running water so far as is practicable);
- (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) Subregulation (2)(h) shall not apply to facilities which are provided for washing hands, forearms and face only.

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Drinking water.

25.(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 subregulation (1) shall—
- (a) be readily accessible at suitable places; and
 - (b) be conspicuously marked by an appropriate sign where necessary for reasons of health and safety.

(3) Where a supply of drinking water is required by subregulation (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.

26.(1) Suitable and sufficient accommodation shall be provided—

- (a) for the clothing of any person at work which is not 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 subregulation (1), the accommodation mentioned in that subregulation shall not be suitable unless—
- (a) where facilities to change clothing are required by regulation 24, it provides suitable security for the clothing mentioned in subregulation (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.

27.(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 cannot, for reasons of health or propriety, be expected to change in another room.

(2) Without prejudice to the generality of subregulation (1), the facilities mentioned in that subregulation shall not be suitable unless they include separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.

Facilities for rest and to eat meals.

28.(1) Suitable and sufficient rest facilities shall be provided at readily accessible places.

- (2) Rest facilities provided by virtue of subregulation (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;
 - (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 woman or nursing mother to rest.
- (5) Suitable and sufficient facilities shall be provided for persons at work to eat meals where meals are regularly eaten in the workplace.

First aid rooms and equipment.

29.(1) One or more first aid rooms shall be provided where the size of the workplace, type of activity being carried out and frequency of accidents so dictate.

- (2) First aid rooms shall–

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- (a) be fitted with essential first aid installations and equipment;
 - (b) be easily accessible to stretchers; and
 - (c) be suitably signposted.
- (3) Suitably marked first aid equipment shall be easily accessible in all places where working conditions require it.

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SCHEDULE

Regulations 11 and 23

**PROVISIONS APPLICABLE TO FACTORIES WHICH ARE NOT NEW
WORKPLACES, MODIFICATIONS, EXTENSIONS OR CONVERSIONS**

PART I

SPACE

1. No room in the workplace shall be so overcrowded as to cause risk to the health or safety of persons at work in it.
2. Without prejudice to the generality of paragraph 1, the number of persons employed at a time in any workroom shall not be such that the amount of cubic space allowed for each is less than 11 cubic metres.
3. In calculating for the purposes of this Part the amount of cubic space in any room no space more than 4.2 metres from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this Schedule as if it were partitioned off from the remainder of the room and formed a separate room.

PART II

NUMBER OF SANITARY CONVENIENCES

4. In workplaces where females work, there shall be at least one suitable water closet for use by females only for every 25 females.
5. In workplaces where males work, there shall be at least one suitable water closet for use by males only for every 25 males.
6. In calculating the number of males or females who work in any workplace for the purposes of this Part, any number not itself divisible by 25 without fraction or remainder shall be treated as the next number higher than it which is so divisible.