

Subsidiary Legislation made under ss. 58 and 81.

Manual Handling Operations Regulations, 1996

LN. 1996/030

Commencement **1.3.1996**

Transposing:
Directive 90/269/EEC

ARRANGEMENT OF REGULATIONS

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Factors to which the employer shall have regard and questions he shall consider when making an assessment of manual handling operations.

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Manual Handling Operations Regulations, 1996

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 90/269/EEC, the Governor has made the following regulations —

Title and commencement.

1.(1) These Regulations may be cited as the Manual Handling Operations Regulations, 1996 and subject to subregulation (2) shall come into effect on the 1st day of March, 1996.

(2) Where on the effective date of these Regulations a person is an employer, or a self-employed person who, by virtue of the Act or these Regulations, is to be treated as an employer for the purposes of these Regulations, 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.

Interpretation.

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

“injury” does not include injury caused by any toxic or corrosive substance which—

- (a) has leaked or spilled from a load;
- (b) is present on the surface of a load but has not leaked or spilled from it; or
- (c) is a constituent part of a load,

and “injured” shall be interpreted in like manner;

“load” includes any person and any animal;

“manual handling operations” means any transporting or supporting of a load (including the lifting, putting down, pushing, pulling, carrying or moving thereof) by hand or by bodily force.

(2) 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.

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

Duties of employers.

3.(1) Each employer shall—

- (a) so far as is reasonably practicable, avoid the need for his employees to undertake any manual handling operations at work which involve a risk of their being injured; or
- (b) where it is not reasonably practicable to avoid the need for his employees to undertake manual handling operations at work which involve a risk of their being injured;

carry out the activities in subregulation (2).

(2) The activities referred to in subregulation (1) to be carried out are to—

- (a) make a suitable and sufficient assessment of all such manual handling operations to be undertaken by them, having regard to the factors which are specified in column 1 of the Schedule and considering the questions which are specified in the corresponding entry in column 2 of the Schedule;
- (b) take appropriate steps to reduce the risk of injury to those employees arising out of their undertaking any such manual handling operations to the lowest level reasonably practicable; and
- (c) take appropriate steps to provide any of those employees who are undertaking any such manual handling operations with general indications and, where it is reasonably practicable to do so, precise information on—
 - (i) the weight of each load; and
 - (ii) the heaviest side of any load whose centre of gravity is not positioned centrally.

(3) Any assessment such as is referred to in subregulation (2)(a) shall be reviewed by the employer who made it if—

- (a) there is reason to suspect it is no longer valid; or
- (b) there has been a significant change in the manual handling operations to which it relates.

Duty of employees.

4. Each employee while at work shall make full and proper use of any system of work provided for his use by his employer in compliance with regulation 3(2)(b).

SCHEDULE

Regulation 3(2)(a)

**FACTORS TO WHICH THE EMPLOYER SHALL HAVE REGARD AND
QUESTIONS HE SHALL CONSIDER WHEN MAKING AN ASSESSMENT OF
MANUAL HANDLING OPERATIONS**

Column 1 Factors	Column 2 Questions
1. The tasks	<p>Do they involve:</p> <ul style="list-style-type: none"> - holding or manipulating from trunk? - unsatisfactory bodily movement or posture, especially: - twisting the trunk? - stooping? - reaching upwards? - excessive movement of loads, especially: - excessive lifting or lowering distances? - excessive carrying distances? - excessive pushing or pulling of loads? - risk of sudden movement of loads? - frequent or prolonged physical effort? - insufficient rest or recovery periods? - a rate of work imposed by a process?
2. The loads	<p>Are they:</p> <ul style="list-style-type: none"> - heavy? - bulky or unwieldy? - difficult to grasp? - unstable, or with contents likely to shift? - sharp, hot or otherwise potentially damaging?
3. The working environment	<p>Are there:</p> <ul style="list-style-type: none"> - space constraints preventing good posture? - uneven, slippery or unstable floors? - variation in level of floors or work surfaces? - extremes of temperature or humidity? - conditions causing ventilation problems or gusts of wind? - poor lighting conditions?

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4. Individual capability Does the job:
- require unusual strength, height, etc.?
 - create a hazard to those who might reasonably be considered pregnant or to have a health problem?
 - require special information or training for its safe performance?
5. Other factors Is movement or posture hindered by personal protective equipment or by clothing?