

Subsidiary Legislation made under ss.58 and 81.

Factories (Mines and Quarries) (Miscellaneous Health and Safety Provisions) Regulations 1997

LN. 1997/148

Commencement **18.12.1997**

Transposing:

Directive 92/104/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 purposes of transposing into the law of Gibraltar Council Directive 92/104/EEC insofar as it relates to mines and quarries, the Governor has made the following regulations –

Title and commencement.

1. These Regulations may be cited as the Factories (Mines and Quarries) (Miscellaneous Health and Safety Provisions) Regulations 1997.

Interpretation.

2.(1) In these Regulations, unless the context otherwise requires–

“approved” means approved for the time being in writing by the competent authority and “approve” and “approval” shall be construed accordingly;

“the competent authority” means the Minister with responsibility for employment;

“the Directive” means Council Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC);

“employer” includes the owner if he employs persons at work at the mine or quarry;

“gas outburst” means a sudden release of gas with or without the projection of minerals or rocks;

“the health and safety document” shall be construed in accordance with regulation 5;

“hydraulic fluid” means a fluid used for the transmission of hydrostatic or hydrokinetic mechanical energy;

“manager” has the meaning given to it in subregulation (2);

“mine” has the meaning given to it in regulation 3;

“owner” means the person for the time being entitled to work a mine or quarry, or any liquidator, receiver or manager, or some other person authorised to carry it on by an order of the Supreme Court;

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“quarry” has the meaning given to it in regulation 3;

“rockburst” means a sudden failure of stopes, pillars, walls or other rock buttresses adjacent to or in the mine workings;

“workplace” means the whole area intended to house workstations, relating to the immediate and ancillary activities and installations of a mine or quarry, including accommodation, where provided, to which workers have access in the context of their work.

(2) A manager of a mine or quarry shall at the option of the owner be—

(a) the owner, if he is an individual who is suitably qualified and competent; or

(b) a suitably qualified and competent individual appointed by the owner.

(3) A substitute manager who complies with the provision of subregulation (2)(b) shall be appointed by the owner when a manager falling within subregulation (2) is not readily available, or the post of manager is vacant for a period not exceeding 72 days (or such longer period as the competent authority may approve).

(4) Where a substitute manager has been appointed under subregulation (3), he shall be deemed to be the manager for all purposes of these Regulations in addition to the manager appointed under subregulation (2) who shall not be relieved of the powers or duties conferred or imposed under these Regulations for so long as he remains the manager for the purpose of subregulation (2).

Application.

3.(1) These Regulations shall be relevant statutory provisions.

(2) These Regulations shall apply to a self-employed person as they apply to an employer and as if that self-employed person were both an employer and a person at work.

(3) These Regulations shall apply to mines, quarries and workplaces.

(4) A mine to which these Regulations apply is an excavation or system of excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially, by means of involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

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(5) A quarry to which these Regulations apply is an excavation or system of excavations made for the purpose of, or in connection with the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals being neither a mine nor merely a well or bore-hole or a well and borehole combined.

(6) For the purposes of these Regulations a mine or a quarry (as the case may be) shall include—

- (a) so much of the surface (including anything erected thereon), which—
 - (i) surrounds the shafts or outlets, or as respects a quarry the excavation;
 - (ii) is used in connection with the working of the mine or quarry;
 - (iii) is used for the preparation for sale, consumption, storage or removal of products of the mine or quarry; or
 - (iv) is used for the removal of refuse from the mine or quarry;
- (b) premises exclusively occupied by the owner of that mine or quarry;
- (c) premises used for depositing refuse from two or more mines or quarries if occupied whether exclusively or not, by the owner of one of the mines or quarries;
- (d) a railway line serving a mine or quarry, or jointly serving two or more mines or quarries; and
- (e) a conveyor or aerial ropeway used for the removal of minerals or refuse from a mine or quarry.

(7) Premises otherwise falling within subregulation (6) shall not form part of a mine or quarry for the purposes of these Regulations if they are used for—

- (i) manufacturing, otherwise than for the purpose of working the mine or quarry; or
- (ii) the preparation for the sale of minerals from the mine or quarry.

General duties of employer.

4.(1) An employer shall take the following necessary measures to ensure that the health and safety of workers in a mine, quarry or workplace is safeguarded—

- (a) workplaces are designed, constructed, equipped, commissioned, operated and maintained in such a way that workers can perform the work assigned to them without endangering their safety or health or those of other workers;
- (b) the operation of workplaces when workers are present takes place under the supervision of a person in charge;
- (c) work involving a special risk is entrusted only to competent staff and carried out in accordance with the instructions given;
- (d) all safety instructions are comprehensible to all the workers concerned;
- (e) appropriate first-aid facilities are provided; and
- (f) any relevant safety drills are performed at regular intervals.

(2) Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters under his control. Without prejudice to the generality of the foregoing, the employer, if any, in overall control of the workplace, shall co-ordinate the implementation of all the measures concerning the safety and health of the workers and shall state, in his safety and health document, the aim of that co-ordination and the measures and procedures for implementing it.

(3) The employer shall report any serious or fatal occupational accidents and situations of serious danger to the competent authority as soon as is reasonably practical.

The health and safety document.

5.(1) The owner of a mine or quarry shall ensure that no work is carried out at the mine or quarry unless a document (in these Regulations referred to as the "health and safety document") has been prepared, which—

- (a) demonstrates that the risks to which persons at work in the mine or quarry are exposed have been determined and assessed; and
- (b) demonstrates that the risks to the health and safety of persons not in his employment arising out of the conduct by him of his undertaking have been determined and assessed;

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- (c) demonstrates that adequate measures, including measures concerning the design, use and maintenance of the mine or quarry and its equipment, have been and will continue to be taken to safeguard the health and safety of the persons at work; and
 - (d) includes a statement of how the measures referred to in subregulation (2) will be co-ordinated.
- (2) Every self-employed person shall, for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions, make a suitable and sufficient assessment of–
- (a) the risks to his own health and safety to which he is exposed whilst he is at work; and
 - (b) the risks to the health and safety of persons not in his employment arising out of the conduct by him of his undertaking.
- (3) Any assessment such as is referred to in subregulation (1) or (2) shall be reviewed by the employer or self-employed person who made it if–
- (a) there is a reason to suspect that it is no longer valid; or
 - (b) there has been a significant change in the matters to which it relates.
- (4) Where as a result of the review mentioned in subregulation (3) changes to an assessment are required, the employer or self-employed person concerned shall make them.
- (5) Where the employer employs five or more employees, he shall record–
- (a) the significant findings of the assessment; and
 - (b) any group of his employees identified by it as being especially at risk.
- (6) In addition to the matters referred to in subregulations (1) to (5), the health and safety document shall where appropriate also include–
- (a) a plan detailing the equipment and measures required to protect persons at work at the mine or quarry from the risk of explosion;
 - (b) a fire protection plan detailing the likely sources of fire, and the precautions to be taken to protect against, to detect and combat the outbreak and spread of fire;

- (c) where toxic gases are or may be present in the atmosphere at the mine or quarry, in such concentration that the atmosphere may be harmful to the health of persons at work, a plan detailing the location of protective equipment and measures required to protect persons at work at the mine or quarry from the harmful atmosphere; and
 - (d) in any zone below ground where rockbursts or gas outbursts may occur an operating plan setting out as far as possible the susceptible zones and the measures necessary for the protection of persons at work in, approaching or traversing such zones.
- (7) The owner shall ensure that the health and safety document is—
- (a) kept up to date and revised where necessary including, without limitation, if the mine or quarry undergoes major changes (including natural changes), extensions or conversions; and
 - (b) made available to each employer of persons at work at the mine or quarry.
- (8) The owner shall ensure that the measures identified in the health and safety document are taken and that any plans included in that document are followed.
- (9) The health and safety document shall be made available upon request to any worker or his representative.

Escape and rescue facilities.

6.(1) The employer shall provide and maintain appropriate means of escape and rescue in order to ensure that workers have adequate opportunities for leaving the mine or quarry or workplace promptly and safely in the event of danger.

(2) The employer shall take the requisite measures to provide the necessary warning and other communication systems to enable assistance, escape and rescue operations to be launched immediately if the need arises.

Co-ordination.

7. The owner shall co-ordinate the implementation of all measures relating to the health and safety of the persons at work at the mine or quarry.

Health surveillance.

8.(1) An employer of a person at work at a mine or quarry shall ensure that he is provided with such health surveillance as is appropriate and where that person is assigned to the work after the date of coming into effect of these Regulations, the health surveillance shall be commenced before he is so assigned.

(2) In this regulation "appropriate" means appropriate having regard to the nature and magnitude of the risks to the health and safety of the persons created by the relevant work.

Hydraulic fluids.

9.(1) Subject to the provisions of subregulation (2) the manager of every mine or quarry shall ensure so far as is reasonably practicable that only hydraulic fluids which are both difficult to ignite and satisfy any specifications relating to fire resistance and hygiene approved for the purposes of this regulation are used at the mine or quarry.

(2) Where it is not reasonably practicable to use hydraulic fluids which satisfy the requirements of subregulation (1) the manager shall ensure that appropriate action is taken to avoid any increased risk of fire resulting from the use of the hydraulic fluid.

Minimum requirements for health and safety.

10.(1) A mine or quarry first operated after the date of coming into effect of these Regulations must satisfy the minimum health and safety requirements laid down in the Schedule.

(2) A mine or quarry already in operation before the date of the coming into effect of these Regulations must satisfy the minimum health and safety requirements laid down in the Schedule and as soon as reasonably practicable and at least nine years after that date.

(3) An employer shall take the measures necessary to ensure that any change, extension or conversion to any mine or quarry after the date of coming into effect of these Regulations satisfies the minimum requirements laid down in the Schedule.

SCHEDULE

MINIMUM SAFETY AND HEALTH REQUIREMENTS

Regulation 10

Preliminary note.

The obligations laid down in this Schedule apply whenever required by the features of the workplace, the activity, the circumstances or a specific risk.

PART I.**COMMON MINIMUM REQUIREMENTS APPLICABLE TO SURFACE AND UNDERGROUND MINERAL EXTRACTING INDUSTRIES AND TO ANCILLARY SURFACE INSTALLATIONS.***Supervision and organisation.***Organisation of workplaces.**

1.(1) Workplaces must be so organised as to provide adequate protection against hazards. They must be kept in good order, with any hazardous substances or deposits removed or controlled in order not to endanger the health and safety of workers.

(2) Workstations must be designed and constructed according to ergonomic principles taking into account the need for workers to be able to follow operations taking place at their workstations.

(3) Where workstations are occupied by lone workers, adequate supervision or means of communication must be provided.

Person in charge.

2.(1) A responsible person who has the skills and competence required for this duty and who has been appointed by the employer, must at all times be in charge of every workplace when workers are present.

(2) The employer may personally assume responsibility for the workplace as referred to in subparagraph (1), if he has the skills and competence required for the purpose.

Supervision.

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3.(1) To ensure workers' safety and health protection during all operations undertaken, the necessary supervision must be provided by persons having the skills and competence for this duty having been appointed by the employer or on his behalf and acting on his behalf.

(2) Where required by the safety and health document, a supervisor must visit occupied workstations at least once during each shift.

(3) The employer may personally undertake the supervision referred to in subparagraphs (1) and (2) if he has the skills and competence required for the purpose.

Competent workers.

4. When workers are present at any workplace, there must be a sufficient number of workers with the requisite skills, experience and training to perform the tasks assigned to them.

Information, instructions and training.

5.(1) Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety.

(2) The employer must ensure that workers receive comprehensible instructions so as not to endanger their health and safety or those of other workers.

Written instructions.

6.(1) Written instructions specifying rules to be observed to ensure the health and safety of workers and the safe use of equipment must be drawn up for every workplace.

(2) These instructions must include information on the use of emergency equipment and action to be taken in the event of an emergency at or near the workplace.

Safe working methods.

7. Safe working methods must be applied at each workplace or in respect of each activity.

Work permits.

8.(1) Where required by the health and safety document, a system of work permits must be introduced for carrying out both hazardous activities and usually straightforward activities which may interact with other activities to cause serious hazards.

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(2) Work permits must be issued by a person in charge before work starts and must specify the conditions to be fulfilled and the precautions to be taken before, during and after work.

Regular review of health and safety measures.

9. The employer must ensure that the measures taken to protect the health and safety of the workers, including the health and safety management system, are regularly reviewed to ensure compliance with these Regulations.

*Mechanical and electrical equipment and plant.***General.**

10.(1) Selection, installation, commissioning, operation and maintenance of mechanical and electrical equipment must take place with due regard for the health and safety of workers, taking into consideration other provisions of these Regulations and of Directives 89/392/EEC (as amended by Directive 91/365/EEC) and 89/655/EEC.

(2) If located in an area within which risk of fire or explosion from ignition of gas, vapour or volatile liquid exists, or is likely to exist, equipment must be suitable for use in that area.

(3) Equipment must, if appropriate, be fitted with suitable protective devices and fail-safe systems.

Specific provisions.

11.(1) Mechanical equipment and plant must be of adequate strength and free from patent defect and suitable for the purpose for which it is intended.

(2) Electrical equipment and plant must be of sufficient size and power for the purpose for which it is intended.

(3) Mechanical and electrical equipment and installations must be so installed and protected as to prevent danger.

*Maintenance.***General maintenance.**

12.(1) A suitable scheme should be set up providing for the systematic examination, maintenance and, where appropriate, testing of mechanical and electrical equipment and plant.

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(2) All maintenance, examination and testing of any part of the plant and equipment must be carried out by a competent person.

(3) Records of examinations and tests must be made and kept in an appropriate manner.

Safety equipment maintenance.

13.(1) Adequate safety equipment must be maintained ready for use and in good working order at all times.

(2) Maintenance must be undertaken with due regard to operations.

Protection from explosion risks, harmful atmospheres and fire hazards.

General.

14.(1) Measures must be taken for assessing the presence of harmful or potentially explosive substances in the atmosphere and for measuring the concentration of such substances.

(2) Where required by the health and safety document, monitoring devices measuring gas concentrations at specified places automatically and continuously, automatic alarms and devices to cut off power automatically from electrical installations and internal combustion engines must be provided.

(3) Where automatic measurements are provided for, the values measured must be recorded and kept as stipulated in the safety and health document.

(4) Smoking is forbidden in areas subject to particular fire or explosion hazards.

(5) The use of any open flame and the execution of any work that may give rise to an ignition hazard is prohibited unless adequate safety precautions are taken to prevent the occurrence of fires or explosions.

Protection from explosion risks.

15.(1) All necessary measures must be taken to combat the formation and accumulation of explosive atmospheres.

(2) In areas where there are risks of explosion, all necessary measures must be taken to prevent the ignition of explosive atmospheres.

(3) An explosion prevention plan detailing the equipment and measures required must be prepared.

Protection from harmful atmospheres.

16.(1) Where harmful substances accumulate or may accumulate in the atmosphere, appropriate measures must be taken to ensure—

- (a) their suppression at source;
- (b) their extraction at source or removal; or
- (c) dilution of accumulations of such substances, in such a way that workers are not at risk.

(2) The system must be capable of dispersing these harmful substances in such a way that workers are not at risk.

(3) Appropriate and sufficient breathing and resuscitation equipment must be available in areas where workers may be exposed to atmospheres which are harmful to health and—

- (a) in such cases, a sufficient number of workers trained to use such equipment must be present at the workplace; and
- (b) the equipment must be suitably stored and maintained.

(4) Where toxic gases are, or may be, present in the atmosphere, a protection plan detailing the protective equipment available and the preventive measures taken must be available.

Protection from fire hazards.

17.(1) Wherever workplaces are designed, constructed, equipped, commissioned, operated or maintained, adequate measures must be taken to prevent fires from starting and spreading from the sources identified in the health and safety document.

(2) Provision must be made for fast and effective fire-fighting.

(3) Workplaces must be equipped with appropriate fire-fighting equipment and, as necessary, with fire detectors and alarm systems.

(4) Non-automatic fire-fighting equipment must be easily accessible and simple to use and, where necessary, protected from damage.

(5) A fire protection plan detailing the precautions to be taken, in accordance with these Regulations, to protect against, detect and combat the outbreak and spread of fires must be kept on site.

(6) The fire-fighting equipment must be indicated by signs in accordance with any statutory provisions applicable and such signs must be placed at appropriate points and be made to last.

Explosives and initiating devices.

18.(1) Operations involving the storage, transport and use of explosives and initiating devices must be carried out by duly authorised and competent persons.

(2) Such operations must be organised and performed in such a way that there is no risk to workers.

Traffic routes.

19.(1) It must be possible to reach workplaces without danger and leave them quickly and safely in an emergency.

(2) Traffic routes, including stairs, fixed ladders and loading bays and ramps, must be calculated, dimensioned and located to ensure easy, safe and appropriate access for pedestrians or vehicles in such a way as not to endanger workers employed in the vicinity of these traffic routes.

(3) Routes used for pedestrian traffic or goods traffic must be dimensioned in accordance with the number of potential users and the type of undertaking.

(4) If means of transport are used on traffic routes, a sufficient safety clearance must be provided for pedestrians.

(5) Sufficient clearance must be allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases.

(6) Traffic and access routes must be clearly identified for the protection of workers.

(7) Where vehicles or machines enter workplaces, traffic regulations must be established as necessary.

Outdoor workplaces.

20.(1) Workstations, traffic routes and other areas or installations outdoors which are occupied or used by the workers in the course of their activity must be organised in such a way that pedestrians and vehicles can circulate safely.

(2) Workplaces outdoors must be adequately lit by artificial lighting if daylight is not adequate.

(3) When workers are employed at workstations outdoors, such workstations must as far as possible be arranged so that workers—

- (a) are protected against inclement weather conditions;
- (b) are protected if necessary against falling objects;
- (c) are not exposed to harmful noise levels;
- (d) are not exposed to harmful external influences such as gases, vapours or dust;
- (e) are able to leave their workstations swiftly in the event of danger or are able to be rapidly assisted; and
- (f) cannot slip or fall.

Danger areas.

21.(1) Danger areas must be clearly indicated.

(2) If the workplaces contain danger areas in which, owing to the nature of the work, there are risks including those of the worker or objects falling, the places must be equipped, as far as possible, with devices preventing unauthorised workers from entering those areas.

(3) Appropriate measures must be taken to protect those workers who are authorised to enter danger areas.

Emergency routes and exits.

22.(1) In the event of danger, it must be possible for workers to evacuate all workstations quickly and as safely as possible.

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(2) Emergency routes and exits must remain clear and lead by the most direct means to the open air or to a safe area, a safe assembly point or where this is not possible to a safe evacuation point.

(3) The number, distribution and dimensions of the emergency routes and exits depend on the use, equipment and dimensions of the workplaces and the maximum number of persons that may be present.

(4) Emergency doors must open outwards.

(5) Emergency doors should not be so latched or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency.

(6) Emergency doors must not be locked.

(7) The emergency routes and exits, and the traffic routes and doors giving access to them, must be free from obstruction so that they can be used at any time without hindrance.

(8) Emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in case the lighting fails.

(9) Specific emergency routes and exits must be indicated by signs in accordance with any statutory provisions applicable.

Means of evacuation and escape.

23.(1) Workers must be trained in the appropriate actions to be taken in emergencies.

(2) Rescue equipment must be provided at readily accessible and appropriately sited places and kept ready for use and must be indicated by signs in accordance with the Health and Safety (Safety Signs and Signals) Regulations, 1996.

Safety drills.

24.(1) Safety drills must be held at regular intervals at all workplaces where workers are usually present.

(2) The main purpose of such drills is to train and check the skills of workers to whom specific duties have been assigned in the event of emergency involving the use, handling or operation of emergency equipment.

(3) Where appropriate, workers should also be drilled in the correct use, handling or operation of that equipment.

First-aid facilities.

25.(1) First-aid equipment must be available in all places where working conditions require it and must be appropriate to the operation.

(2) This equipment must be indicated by suitable signs and easily accessible.

(3) One or more first-aid rooms must be provided where the size of the premises, type of activity being carried out and frequency of accidents so dictate.

(4) Clearly visible first-aid instruction in the event of accidents must be displayed in these rooms.

(5) First-aid rooms must be fitted with essential first-aid installations and equipment and be easily accessible to stretchers.

(6) They must be signposted in accordance with any statutory provisions applicable.

(7) In addition, first-aid equipment must be available in all places where working conditions require it.

(8) This equipment must be suitably marked and easily accessible.

(9) A sufficient number of workers must be trained in the use of the first-aid equipment provided.

Natural and artificial lighting.

26.(1) Every workplace must be provided throughout with lighting capable of supplying illumination sufficient to ensure the health and safety of persons therein.

(2) Workplaces must as far as possible receive sufficient natural light and, bearing in mind the climatic conditions, be equipped with artificial lighting for the protection of workers' health and safety.

(3) Lighting installations in rooms containing workplaces and in passageways must be placed in such a way that the type of lighting does not present a risk of accident to workers.

(4) Workplaces in which workers are exposed to risks in the event of failure of artificial lighting must be provided with emergency lighting of adequate intensity and where that is impossible, workers must be provided with personal lamps.

Sanitary installations.

Changing rooms and lockers.

27.(1) Appropriate changing rooms must be provided for workers if they have to wear special work clothes and where, for reasons of health or propriety, they cannot be expected to change in another room.

(2) Changing rooms must be easily accessible, be of sufficient capacity and be provided with seating.

(3) Changing rooms must be sufficiently large and have facilities to enable each worker to lock away his clothes during working hours.

(4) If circumstances so require (e.g. dangerous substances, humidity, dirt), lockers for work clothes must be separate from those for ordinary clothes.

(5) Provision must be made to enable wet work clothes to be dried.

(6) Provision must be made for separate changing rooms or separate use of changing rooms for men and women.

(7) If changing rooms are not required under sub paragraph (1) each worker must be provided with a place to store his clothes.

Showers and washbasins.

28.(1) Adequate and suitable showers must be provided for workers if required by the nature of the work or for health reasons.

(2) Provision must be made for separate shower rooms or separate use of shower rooms for men and women.

(3) The shower rooms must be sufficiently large to permit each worker to wash without hindrance in conditions of an appropriate standard of hygiene.

(4) The showers must be equipped with hot and cold water.

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(5) Where showers are not required under sub paragraph (1), adequate and suitable washbasins with hot and cold water must be provided in the vicinity of the workstations and the changing rooms and such washbasins must be separate for, or used separately by, men and women when so required for reasons of propriety.

Lavatories and washbasins.

29.(1) Separate facilities must be provided in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers or washbasins, with an adequate number of lavatories and washbasins.

(2) Provisions must be made for separate lavatories or separate use of lavatories for men and women.

(3) In the case of underground mineral-extracting industries, the sanitary installations referred to in this regulation may be located on the surface.

Overburden dumps and other tips.

30. Overburden dumps, spoil heaps and other tips, as well as settling lagoons, must be designed, constructed, operated and maintained in such a way as to ensure their stability, as well as the health and safety of workers.

Ancillary surface installations (additional special provisions).

Stability and solidity.

31.(1) Workplaces must be designed, constructed, erected, operated, supervised and maintained to withstand the environmental forces anticipated.

(2) They must have a structure and solidity appropriate to the nature of their use.

Floors, walls, ceilings and roofs of rooms.

32.(1) The floors of workplaces must have no dangerous bumps, holes or slopes and must be fixed, stable and not slippery.

(2) Workplaces containing workstations must be adequately insulated against heat, bearing in mind the type of undertaking involved and the physical activity of the workers.

(3) The surfaces of floors, walls and ceilings in rooms must be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

(4) Transparent or translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workplaces and traffic routes must be clearly indicated and made of safety material or be shielded from such places or traffic routes to prevent workers from coming into contact with walls or being injured should the walls shatter.

(5) Access to roofs made of materials of insufficient strength must not be permitted unless equipment is provided to ensure that the work can be carried out in a safe manner.

Room dimensions and air space in rooms - freedom of movement at the workstation.

33.(1) Workrooms must have sufficient surface area, height and air space to allow workers to perform their work without risk to their safety, health or well-being.

(2) The dimensions of the unoccupied area at the workstation must allow workers sufficient freedom of movement and enable them to perform their work safely.

Windows and skylights.

34.(1) Windows, skylights and ventilation devices which are meant to be opened, adjusted or secured must be designed so that these operations can be carried out safely and they must not be positioned so as to constitute a hazard to workers when open.

(2) It must be possible to clean windows and skylights without risk.

Doors and gates.

35.(1) The position, number and dimensions of doors and gates, and the materials used in their construction, are determined by the nature and use of the rooms or areas.

(2) Transparent doors must be appropriately marked at a conspicuous level.

(3) Swing doors and gates must be transparent or have see-through panels.

(4) If transparent or translucent surfaces in doors and gates are not made of safety material and if there is a danger that workers may be injured if a door or gate should shatter, the surfaces must be protected against breakage.

(5) Sliding doors must be fitted with a safety device to prevent them from being derailed and falling over unexpectedly.

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(6) Doors and gates opening upwards must be fitted with a mechanism to secure them against falling back unexpectedly.

(7) Doors along escape routes must be appropriately marked and it must be possible—

(a) to open them from the inside at any time without special assistance; and

(b) to open them when the workplaces are occupied.

(8) Doors for pedestrians must be provided in the immediate vicinity of any gates intended essentially for vehicle traffic, unless it is safe for pedestrians to pass through; such doors must be clearly marked and left permanently unobstructed.

(9) Mechanical doors and gates must function without risk of accident to workers and they must be fitted with easily identifiable and accessible emergency shut-down devices and, unless they open automatically in the event of a power failure, it must also be possible to open them manually.

Ventilation of enclosed workplaces.

36.(1) Steps shall be taken to ensure that there is sufficient fresh air in enclosed workplaces having regard to the working methods used and the physical demands placed on the workers: if a forced ventilation system is used, it must be maintained in working order and any breakdown must be indicated by a control system where this is necessary for the health of workers.

(2) If air-conditioning or mechanical ventilation installations are used, they must operate in such a way that workers are not exposed to draughts which cause discomfort.

(3) Any deposit or dirt likely to create an immediate danger to the health of workers by polluting the atmosphere must be removed without delay.

Room temperature.

37.(1) During working hours, the temperature in rooms containing workstations must be suitable for human beings, having regard to the working methods being used and the physical demands placed on the workers.

(2) The temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first aid rooms must be appropriate to the particular purpose of such areas.

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(3) Windows, skylights and glass partitions should allow excessive effects of sunlight in workplaces to be avoided, having regard to the nature of the work and of the workplace.

Restrooms.

38.(1) Where the health and safety of workers, in particular because of the type of activity carried out or the presence of more than a certain number of employees, so requires, workers must be provided with an easily accessible rest room.

(2) Subparagraph (1) does not apply if the workers are employed in offices or similar workroom providing equivalent relaxation during breaks.

(3) Rest rooms must be large enough and equipped with an adequate number of table and seats with backs for the number of workers.

(4) In rest rooms appropriate measures must be introduced for the protection of non-smokers against discomfort caused by tobacco smoke.

(5) If working hours are regularly and frequently interrupted and there is no rest room, other rooms must be provided in which workers can stay during such interruptions, wherever this is required for the health and safety of workers.

Pregnant women and nursing mothers.

39. Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions.

Disabled workers.

40.(1) Workplaces must be organised to take account of disabled workers, if necessary.

(2) Subparagraph (1) applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by disabled workers.

PART II.

SPECIAL MINIMUM REQUIREMENTS APPLICABLE TO SURFACE MINERAL-EXTRACTING INDUSTRIES.

General.

1.(1) Without prejudice to subparagraph (3) the employer who, in accordance with Gibraltar legislation and/or practice, is responsible for the workplace covered by this Part must ensure

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that the safety and health document shows that all relevant measures have been taken to protect the safety and health of workers in both normal and critical situations.

(2) The safety and health document must be brought up to date regularly and be available for inspection at the workplace.

(3) Work must be carried out in accordance with the safety and health document.

Operation.

2.(1) Work must be planned taking into account the elements of the safety and health document which concern the risks of falls or slips of ground and as a preventative measure the height and slope of overburden-stripping and extraction faces must be appropriate to the nature and stability of the ground and the methods of working.

(2) Benches and haul roads must be stable enough for the plant used and must be constructed and maintained in such a way that the plant can be moved safely.

(3) Before the start or restart of work stripping and extraction faces above work areas or haul roads must be checked for loose ground or rocks and scaling must be carried out where necessary.

(4) Faces and tips must not be worked in such a way that instability is created.

PART III.

SPECIAL MINIMUM REQUIREMENTS APPLICABLE TO UNDERGROUND MINERAL EXTRACTING INDUSTRIES.

General.

1.(1) The employer who is responsible for the workplace covered by this Part must ensure that the health and safety document shows that all relevant measures have been taken to protect the health and safety of workers in both normal and critical situations.

(2) The health and safety document must be brought up to date regularly and be available for inspection at the workplace.

(3) Work must be carried out in accordance with the safety and health document.

Plans of underground workings.

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2.(1) Plans of underground workings drawn to a scale which provides a clear representation must be prepared, and must—

- (a) in addition to roadways and winning areas, show the known features which may influence working and safety; and
- (b) be readily accessible and must be kept for as long as is necessary for safety purposes.

(2) Plans of underground workings must be brought up to date periodically and held available at the workplace.

Outlets.

3.(1) All underground workings must have access to the surface via at least two separate outlets which are soundly constructed and readily accessible to underground workers.

(2) Mechanical manwinding or manriding facilities must be available for these outlets if considerable physical effort is involved in negotiating them.

Workings.

4.(1) Workings where underground work is carried out must be constructed, operated, equipped and maintained so that workers can work and move in them with a minimum of risk.

(2) Roadways must be signposted to help workers to find their way about the workings.

Transport.

5.(1) Transport facilities must be installed, operated and maintained in such a way as to ensure the health and safety of drivers, users and other persons in the vicinity.

(2) Mechanical manwinding or manriding facilities must be properly installed and used in accordance with written instructions.

Support and ground stability.

6.(1) Support must be provided as soon as possible after excavation, except that where the stability of the ground makes it unnecessary for the safety of workers such support must be installed in accordance with plans and written instructions.

(2) Workings accessible to workers must be inspected regularly for ground stability and support maintained accordingly.

Ventilation.

7.(1) All underground workings to which access is permitted must be ventilated in an appropriate manner.

(2) Continuous ventilation must be provided to maintain, with an adequate safety margin—

- (a) a healthy atmosphere;
- (b) an atmosphere in which the risks of explosion and respirable dust are kept under control; and
- (c) an atmosphere in which working conditions are adequate while work is in progress, having regard to the working methods being used and the physical demands placed on the workers.

(3) Where the requirements of subparagraphs (1) and (2) cannot be met by natural ventilation, the main ventilation must be provided by means of one or more mechanical fans and—

- (a) steps must be taken to ensure stable and continuous ventilation; and
- (b) the depression of the main fans must be monitored continuously, and an automatic alarm must indicate unscheduled stoppages.

(4) The ventilation parameters must be measured periodically and recorded.

(5) A ventilation plan containing the pertinent details of the ventilation system must be prepared, brought up to date periodically and held available at the workplace.

Gassy mines.

8.(1) An underground working is regarded as gassy if firedamp is likely to be released in such a quantity that the risk of formation of an explosive atmosphere cannot be excluded.

(2) The main ventilation must be provided by one or more mechanical fans.

(3) Working must proceed taking account of firedamp emission and steps must be taken to eliminate as far as possible the risks arising from firedamp.

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(4) Auxiliary ventilation must be limited to development and salvage work and to places with a direct connection to the main ventilation current.

(5) Production workings may be ventilated by auxiliary systems only if appropriate additional measures are taken to ensure the health and safety of workers.

(6) The ventilation measurement referred to in subparagraphs (4) and (5) must be supplemented by firedamp determinations.

(7) Where required by the health and safety document, firedamp levels must also be continuously monitored in return airways from production units using mechanised extraction or underwinning and at the head ends of mechanised blind end workings.

(8) Only explosives and initiating devices specifically for gassy mines may be used.

(9) Notwithstanding the generality of paragraph 14(4) of Part I of this Schedule—

(a) smoking, carrying tobacco for smoking and any objects which may be used to produce a flame are prohibited; and

(b) flame cutting, welding and other similar operations are permitted only in exceptional circumstances and subject to specific measures ensuring the safety and health of the workers.

Mines containing flammable dusts.

9.(1) Coal mines are considered to be susceptible to flammable dusts except where the health and safety document shows that none of the seams being worked contains dust liable to propagate an explosion.

(2) In mines with flammable dusts the provisions of subparagraphs 8(7) and 8(8) of this Part apply to mines containing flammable dusts as if the reference to "gassy" mines, was a reference to those mines.

(3) Steps must be taken to reduce flammable dust deposits, and to remove, neutralise or bind the same.

(4) Propagation of flammable dust or firedamp explosions which are liable to trigger further flammable dust explosions must be limited by installing a system of explosion barriers.

(5) The locations of such explosion barriers must be indicated in a document which is brought up to date periodically and held available at the workplace.

Gas outbursts, rockbursts and water inrushes.

10.(1) In zones susceptible to gas outbursts with or without the projection of minerals or rock, rockbursts or water inrushes, an operating plan must be drawn up and implemented so as to ensure, as far as possible, a safe system of work and the protection of workers.

(2) Measures must be taken to identify risk zones, protect workers in workings approaching or traversing these zones, and control the risks.

Fires, combustions and heatings.

11.(1) Provision must be made for the prevention and where appropriate, the early detection of spontaneous combustion.

(2) Flammable materials taken into underground workings must be limited to the quantities which are strictly necessary.

(3) Where it is necessary to use hydraulic fluids (fluids for the transmission of hydrostatic or hydrokinetic mechanical energy), fluids which are difficult to ignite must, as far as possible, be used in order to avoid the risk of fire and its spread.

(a) The hydraulic fluids must satisfy specifications and test conditions relating to fire resistance and hygiene criteria.

(b) Where hydraulic fluids are used which do not satisfy the specifications, conditions and criteria referred to in subparagraph 11(3)(a) additional precautions must be taken to avoid the increased risk of fire and its spread.

Precautions for withdrawal of workers.

12. So that they can withdraw in safety, workers must, where necessary, be provided with self-rescue respiratory protection devices which they must always keep within their reach and—

(a) workers must be trained in the use of these devices; and

(b) these devices must remain at the site and be checked regularly to ensure that they are in good condition.

Lighting.

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13. Notwithstanding the generality of paragraph 26 of Part I of this Schedule—

- (a) workers must be provided with a suitable personal lamp;
- (b) workstations must as far as possible be equipped with artificial lighting adequate for the protection of workers' health and safety; and
- (c) lighting installations must be placed in such a way that there is no risk of accident to workers as a result of the type of lighting fitted.

Underground workforce accounting.

14. It must be possible to know exactly who is underground at any time.

Rescue organisation.

15.(1) In order to enable suitable action to be taken rapidly and effectively in the event of a major incident, an adequate rescue organisation must be set up.

(2) The rescue organisation must, in order to be able to act at any site where underground extraction or exploratory workings are in progress, have sufficient trained rescue workers and adequate rescue equipment at its disposal.