

## Designing in health and safety at ports

**SIM 05/2007/08**

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Summary  
Introduction  
Scope for interventions  
Enforcement  
Cancellation of instructions

## Summary

This SIM provides guidance for inspectors who may become involved during new developments at ports.

## Introduction

1 The Construction Design and Management Regulations (CDM) require designers to consider the health and safety of construction and maintenance workers and the new CDM Regulations include responsibilities for designers to consider end-user health and safety and compliance with the Workplace Regulations. The regulations have had some success. However, there are still examples of inadequate consideration by designers and their clients of the health and safety of 'end-users', i.e. those employers and staff who work in the buildings or facilities once they become operational.

2 There are very real consequences: higher residual risks of Musculoskeletal Disorders (MSDs), slips and trips, workplace transport accidents and falls, as well as potential inefficiencies. For example, studies indicate that poor design is, directly or indirectly, the cause of over 40% of workplace accidents<sup>1</sup>.

<p><sup>1</sup> Issues Paper – Eliminating Hazards at the Design Stage (Safe Design) – Options to Improve Occupational Health and Safety Outcomes in Australia, National Occupational Health and Safety Commission, Australia 2003</p>
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3 Once design reaches an advanced stage, or construction work has commenced, it may not be reasonably practicable to take remedial action. This means that employers, workers and HSE are effectively 'stuck' with problems for some 30 years or more. Intervention early in the design stage offers a one-off opportunity to address problems before they become insoluble features of the facilities.

4 Although this guidance is not linked to any specific project it does link in with the FIT 3 programme (slips and trips, falls from height, workplace transport and MSD's). As indicated above, designing in health and safety from the beginning is likely to have a significantly larger beneficial impact on these topics than reactive interventions at a later stage.

5 Further guidance and supporting material can be found on the Construction Intranet site.

6 Inspectors should also familiarise themselves with the guidance in SIM 02/2005/03. Construction Division guidance on the 'Common Agenda' to be followed when taking forward strategic interventions'. This includes specific guidance for designers.

## Scope for interventions

7 Given the lead times for port projects, there are unlikely to be immediate effects on PSA targets, though some effect may be forthcoming towards the end of the decade.

8 There are currently a number of major port developments under discussion as well as many smaller but still significant developments around the country. Port operators might ask for advice, or local knowledge may indicate that it is worthwhile having some discussions which could result in long term improvements and reductions in accidents and incidents. There may be opportunities for cross-divisional working where a client company operates more than one port or where designers are involved with more than one port. Cross working in such circumstances can help avoid duplication of effort and inconsistency.

9 For maximum impact meetings with key personnel, including designers, clients and the principle contractor, need to take place as early as possible (although inspectors should avoid becoming involved in the planning application process). Visits to the actual or proposed sites for development may be necessary in some circumstances. Support from SG/HSL/STSU Transportation Section/CD inspectors should be sought where appropriate.

10 Any meetings should seek to establish the depth of consideration in the design of end-use health and safety. In particular, whether the client and designer have:

- Undertaken assessment of the risks to health and safety at the design stage;
- Secured competent advice where necessary (e.g. an ergonomist to advise on any cruise-liner baggage handling facilities);
- Consulted end-users;
- Considered the hierarchy of control (from the Management Regulations), industry best practice (including overseas) and best practice from other industries where applicable;
- Taken a holistic approach to ensure risks are not simply transferred to other facilities or processes;
- Proposed control measures to ensure end-user health and safety; and
- Have management systems in place to ensure those control measures feature in the final building or facilities.

11 Inspectors may wish to explore different aspects of this list through different priority topics, generating an overall impression of how the port and designer are approaching end-user health and safety. However, Transportation Section recommends that each topic should include consideration of risk assessment and control measures as a minimum.

12 The degree of intervention will largely be determined by the size of the development and the potential benefits of involvement. There could be benefit in treating contact with the stakeholders as a local project its own right to help ensure a structured approach.

13 Inspectors should avoid becoming involved in the detail of the proposals, or the design processes. It is important that ports and designers understand that we are not approving their work. Rather, we are seeking to satisfy ourselves that they are giving structured and adequate consideration to the health and safety of end-users.

## **Enforcement**

14 The CDM Regulations 2007 require designers to avoid end user risk and, when designing workplaces, to ensure that these comply with the Workplace Regulations

15 Clearly, ports and designers that fail to consider end-user issues at the design stage may face enforcement action once those facilities come into operation or are close to being ready. Correcting problems at this stage is likely to be more difficult and costly.

16 There are issues on which inspectors may consider it appropriate to take action, in line with the criteria set out in the EMM:

- The project does not have access to competent advice, and there is no willingness to seek it; or
- There is a clear breach of the CDM Regulations (CD should lead on such issues).

## **Cancellation of instructions**

17 SIM 05/2004/54 – cancel and destroy.

Date first issued: 1 April 2004