

Health and Safety in Men's Sheds

UKMSA Positional Statement

October 2021

Purpose

- UKMSA should support and promote Sheds to be safe environments
- UKMSA to have agreed position on Health and Safety in Sheds
- Understanding of how we got here
- Discussion on what else is needed
- To allow UKMSA to move forward on producing the right advice and right resources

Background

- UKMSA has previously been given advice on Health and Safety in Men's Sheds.
- Questions regarding Health and Safety in Men's Sheds are raised regularly, particularly with reference to whether they have to follow the Health and Safety at Work Act and to what level.
- Conflicting messaging from individuals within the Shed network has added confusion
- Equally there has and will probably continue to be potential conflicting messages from people from HSE and Local Authorities.
- UKMSA want to focus on supporting Men's Sheds

Health and safety law

The Health and Safety at Work etc Act 1974 (HSW Act) is criminal law aimed at protecting employees and others who may be affected by work activities. It is enforced mainly by HSE and local authorities.

Health and safety legislation does not, in general, impose duties upon someone who is not an employer, self-employed or an employee.

HSE and local authority health and safety officers have no power to investigate incidents or pursue enforcement action in relation to most purely voluntary activities (subject to limited exceptions such as where a volunteer is in control of non-domestic premises). [Examples given are not community workshops]

When health and safety law applies

The HSW Act and the regulations made under it apply if any organisation, including a voluntary organisation, has at least one employee. The Act refers to employers and the self-employed as 'dutyholders'.

The HSW Act sets out the general duties that employers have towards employees. It also requires employers and the self-employed to protect people other than those at work (eg members of the public, volunteers, clients and customers) from risks to their health and safety arising out of, or in connection with, their work activities.

Understanding which type of law applies

Concerns often arise when people confuse civil law obligations with an organisation's duties under health and safety law.

This page clarifies the differences between the two types of law and how health and safety law applies to voluntary organisations.

Civil law and the duty of care

Under the common law, voluntary organisations and individual volunteers have a duty of care to each other and others who may be affected by their activities. Where something goes wrong, individuals may, in some cases, sue for damages using the civil law if they are injured (or suffer loss) as a result of another person's negligence.

But, for a negligence claim to succeed, the injured person must show that the defendant had a duty to take reasonable care towards them, and they have suffered the injury through a breach of that duty. The injured person must also show that the type of loss or injury for which damages are being claimed was a foreseeable result of the breach of the duty.

Liability in individual cases is a matter for the courts, depending on all the circumstances of the case and the actions and standards it is reasonable to expect from each of the parties involved. If the court decides that a particular claim does not have merit, then it will reject it. It can also reduce any damages awarded to reflect the extent of any contributory negligence on the part of the injured person.

HSE – clarification

EXTRACT

Volunteers

'Health and safety legislation doesn't generally apply to someone who is not an employer, self-employed or an employee.

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The HSW Act sets out the general duties that employers have towards employees. It also requires employers and the self-employed to protect people other than those at work (eg members of the public, volunteers, clients and customers) from risks to their health and safety arising out of, or in connection with, their work activities.

You can find more information at the [Voluntary organisations site](#).'

'If you carry out volunteering either as an individual or as part of a community group that has no employees, then health and safety law will not normally apply to you'

Key considerations for UKMSA

- UKMSA is not a statutory body
- UKMSA is not a governing body
- All Men's Sheds are considered autonomous by UKMSA

- UKMSA sought clarity from HSE and will only seek advice from HSE HQ
- UKMSA want safe environments for Sheds, Shedders and Visitors
- Shedders care and look out for each other
- Enforcement (by UKMSA) could bring liability

- HSE has a theme of proportionality through all its guidance
- HSE consider voluntary bodies such as Men's Sheds as not being under their remit. Their remit (amongst others) is to enforce the Health and Safety at work act

- Where employees are involved in day to day delivery HSE has a remit

UKMSA Statement – October 2021

1. UK Men's Sheds Association supports and promotes Sheds to be safe environments for Shedders and Visitors.
2. Each Shed is responsible for meeting its own legal requirements including a proper Duty of Care and Health and Safety at Work Act where applicable/proportionate.
3. Sheds should aim for high standards. We recommend that Sheds maintain an up-to-date risk assessment, apply health and safety guidance proportionally.
4. The Health and Safety at Work Act does not apply to Sheds unless they have an employee (we have met with an official and he confirmed this. It is as stated on their website).
5. The Health and Safety Executive exists to support employers and employees and describes best practice including in workshops.
6. Health and safety in Sheds is about protecting each other by assessing risks, acting to mitigate those risks and maintaining good controls. What Shedders do best is look out for each other.
7. A Shed's H&S practices should be reviewed at regular intervals, e.g. every year and when you get new equipment. Its responsibilities extend beyond the workshop, it includes the whole environment it works in.
8. It's important to have an open discussion with your insurance company with regard to your activities and associated health and safety statements and procedures so that cover is maintained.
9. UKMSA is a service organisation and will be proactive in promoting and sharing good practice such as a library of resources, manuals and links, etc.
10. If a Shed rents a premises then check the expectations of the landlord regarding health and safety.
11. If letting a premises then seek advice.

All Sheds are different – we respect that.

In practice:

1. HSE offers some very good advice
2. UKMSA will sign post people to support materials
3. UKMSA will produce and share useful materials when and where possible

Useful information

H&S legislation, Regulations & Codes of Practise list

Partial list of Acts and Regulations that might need to be taken into account when starting and/or running a Men's Shed – not all of them will apply to all Sheds:

- Health & Safety at Work Act 1974
- Building Regulations 2010 – buildings built before 2010 do not have to be upgraded to comply with all the provisions of the Regulations, but in deciding whether buildings require works, the Regulations are considered the standard you should aim for.
- The Equality Act 2010 mostly replaced the Disability Discrimination Act 2004 – This Act gives disabled people rights of access to everyday services. Service providers have an obligation to make reasonable adjustments to premises or to the way they provide a service – includes services provided by voluntary groups such as Men's Sheds
- Regulatory Reform (Fire Safety) Order 2005. The requirement for businesses to have fire certificates has been abolished. The law now emphasises preventing fires and reducing risk and makes it our responsibility to ensure the safety of everyone who uses the premises. Compliance with these regulations will only protect life; protection of property (e.g. to reduce risk of spread between buildings) may require further measures.

Useful information

- The Food Hygiene (England) Regulations 2006
- The Confined Spaces Regulations 1997
- The Control of Noise at Work Regulations 2005
- The Electricity at Work Regulations 1989 & the latest edition of the IET Wiring Regulations (for new installation work)
- The Gas Safety (Installation and Use) Regulations 1998
- Health and Safety (First-Aid) Regulations 1981
- The Health and Safety (Safety Signs and Signals) Regulations 1996
- Management of Health and Safety at Work Regulations 1999 as amended in 2006
- The Manual Handling Operations Regulations 1992
- The Personal Protective Equipment at Work Regulations 1992
- The Work at Height Regulations 2005 as amended in 2007
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Legionnaires' disease - Control of legionella bacteria in water systems ACOP 2013
- The Construction (Design and Management) Regulations 2015 – applies to larger building projects – e.g. building a new Shed where work on site using contractors last for more than 30 days...

Useful information

Approved Codes of Practice (ACOPs)

In addition to the Acts, Orders & Regulations, there are Approved Codes of Practice (ACOP) compiled by the HSE, some of which might be relevant to the operations within Men's Sheds. ACOPs describe preferred or recommended methods that can be used (or standards to be met) to comply with regulations and the duties imposed by the Health and Safety at Work etc Act.

HSE ACOP guidance on legal status – *'guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law.'*
E.g. ignore the ACOP guidance at your peril.

The full list of guidance documents can be found here - <https://www.hse.gov.uk/pubns/books/index-legal-ref.htm>

ACOPs which may be relevant to operations in a Men's Shed – seek advice – don't read them all!

Useful information

- [L5: Control of substances hazardous to health \(COSHH\) \(Sixth edition\)](#)
- [L8: Legionnaires' disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance](#)
- [L22: Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance](#)
- [L23: Manual handling. Manual Handling Operations Regulations 1992 - Guidance on Regulations \(fourth edition\)](#)
- [L24: Workplace health, safety and welfare. Workplace \(Health, Safety and Welfare\) Regulations 1992. Approved Code of Practice](#)
- [L25: Personal protective equipment at work \(Second edition\)](#)
- [L56: Safety in the installation and use of gas systems and appliances](#)
- [L74: First aid at work. The Health and safety \(First Aid\) Regulations 1981](#)
- * [L101: Safe work in confined spaces. Confined Spaces Regulations 1997](#)
- [L108: Controlling noise at work](#)

Useful information

- * [L113: Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998](#)
- [L114: Safe use of woodworking machinery. Provision and Use of Work Equipment regulations 1998 as applied to woodworking machinery](#)
- [L122: Safety of pressure systems -- e.g. air compressors](#)
- * [L132: Control of lead at work \(Third edition\)](#)
- * [L138: Dangerous substances and explosive atmospheres](#)
- [L140: Hand-arm vibration](#)
- [L143: Work with materials containing asbestos. Control of Asbestos Regulations 2012](#)
- [L153: Managing health and safety in construction - Construction \(Design and Management\) Regulations 2015. Guidance on Regulations](#)