

An overview of forklift health and safety law

Although to some, complying with Health and Safety legislation can seem onerous and inconvenient, to the well run organisation “Health and Safety” is a useful management tool, helping to protect the assets of the company, preventing costly time off for injured employees and costly repairs to equipment and buildings.

Since the implementation of the Health and Safety at work act in 1974, many employers have been concerned by the onerous burden imposed upon them by Health and Safety law. Most laws within the UK put the burden of proof upon the crown to prove the defendant guilty beyond reasonable doubt. Under the Health and Safety at Work Act 1974 and all subsequent Health and safety legislation encompassed by the act, the burden of proof is upon the defendant to prove he is innocent.

This situation has lead over the years, to over interpretation by some worried individuals, companies, and a few disreputable consultants who have seen opportunities to make money. Health and Safety is not about complication or stopping you doing what you need to do, it’s about recognising and managing the risk to the lowest acceptable level.

Section 2 Paragraph 1 of the act states “It shall be the duty of every employer to ensure, so far as is reasonably practical, the health, safety and welfare of all his employees.”

A hierarchal approach to the legislation would look some like the following:

1974 Health and Safety at Work Act

It is the duty of employers to take all reasonable steps to protect the health and safety of their employees at work. “Reasonable” means that risk should be reduced to the lowest reasonable level, to the point that further reduction would be grossly disproportional in cost over benefit.

Let us not forget there are duties to others detailed within the act not just those whom are employed but all those who may be affected by our acts or omissions.

Provision and Use of Work Equipment Regulations (PUWER) 1998

All work equipment is covered by these regulations, and require that equipment is selected on its suitability for purpose, is maintained, and is only operated by competent persons.

Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

All lifting operations are covered by this regulation and all lifting operations have to be planed.

Whilst under the previous regulation, work equipment needs to be adequately maintained, under regulation 9 of this regulation, the load bearing or lifting components of the equipment need to be regularly examined by a commitment person.

The management of Health and Safety at Work Regulations 1999

The duties under this regulation include “suitable and sufficient assessment of the risk to the Health and Safety of employees”

The operation of Fork Lift Trucks, depending on application, environment and the product being handled, will most certainly come under the four pieces of legislation listed. Other legislation may well come into effect during the application, operation and usage of the equipment.

It has to be more than the law

Health and Safety has to be more than just complying with the law, it has to be about breeding a safety culture, owned by workers and management alike.

There are in many undertakings an underlying safety culture lacking in candor, where both management and workers consider it is ok to bypass safety rules for “The Good of the Company” the five examples below are quite often endemic in the workplace:

1. Get it Done. *Unsafe practices are justified by tight deadlines.*
2. Un-discussable Incompetence. *Unsafe practices that stem from skill defects that can't be discussed*
3. Just this Once. *Unsafe practices that are justified as exceptions to the rule.*
4. This is Overboard. *Unsafe practices that bypass precautions considered excessive.*
5. Are You a Team Player? *Unsafe practices that are justified for the good of the team, company, or customer.*

There are more than 800 accidents a year in the UK that involve forklifts, making the forklift truck one of the most dangerous pieces of workplace transport equipment.

It is not about complying with the law; it's about recognising, assessing, and reducing the risk, enabling people to work safely. All employees should be encouraged to speak up when they see or are involved in unsafe practice. Keeping quiet should not be an option.

All that is necessary for the triumph of evil is that good men do nothing.

Edmund Burke *Irish orator, philosopher, & politician (1729 - 1797)*

We all came to work this morning fit and well, if we all work safely with due regard for ourselves and others, then we should all go home this evening (and although tired from a hard day's work,) undamaged and fit and well to do it again tomorrow.