

**L.N. 35 of 2003**

**OCCUPATIONAL HEALTH AND  
SAFETY AUTHORITY ACT  
(CAP. 424)**

**Protection against Risks of Back Injury at Work Places  
Regulations, 2003**

IN exercise of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, the Deputy Prime Minister and Minister for Social Policy, in consultation with the Occupational Health and Safety Authority, has made the following regulations:-

**1.** (1) The title of these regulations is the Protection against risks of Back Injury at Work Places Regulations, 2003. Citation and commencement.

**2.** (1) The scope of these regulations is to establish minimum occupational health and safety requirements for the manual handling of loads, in particular where there is a risk of back injury to workers. Scope.

(2) Nothing in these regulations shall debar the Authority from issuing any order to any employer or to any employee in any workplace if in the opinion of an Officer of the Authority there is a risk of injury during any operation involving the manual handling of loads.

**3.** In these regulations, unless the context otherwise requires: Interpretation.

“Act” means the Occupational Health and Safety Authority Act;

“Authority” means the Occupational Health and Safety Authority established by virtue of the Act;

“manual handling of loads” means any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load by hand or by bodily force, whether applied directly to the load or indirectly, and which, by reason of its characteristics or because of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers.

**4.** (1) It shall be the general duty of an employer, to take appropriate organizational measures, or to provide the appropriate General duties.

means, in particular the mechanical equipment, in order to avoid the need for the manual handling of loads by workers whenever there exists a risk of injury, including injuries to the back, as a result of such operations.

(2) Where the need for the manual handling of loads by workers cannot be avoided, the employer shall take the appropriate organizational measures, use the appropriate means or provide workers with such means in order to reduce the risk involved in the manual handling of such loads, and in so doing, shall give due regard to the contents of Schedule I hereof.

Provided that where the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as healthy and safe as possible and, in particular, shall:

(a) assess, in advance where reasonably practicable, the health and safety conditions of the type of work involved, and in particular shall examine the characteristics of loads, giving due regard to the contents of Schedule I hereof:

(b) take appropriate measures to avoid or reduce the risk particularly of back injury to workers, taking into consideration the characteristics of the working environment and the requirements of the activity, and in so doing, an employer shall be guided by Schedule I hereof.

(3) Where an employer assigns work which involves manual handling to any worker, and in carrying out the required risk assessment, the employer shall take into account the nature of the activity and the worker's capabilities as regards health and safety, as well as the worker's medical fitness to carry out the assigned task:

Provided that in so doing, the employer shall take into consideration all relevant individual risk factors, a non-exhaustive list of which is laid down in Schedule I hereof.

(4) When assigning work that involves manual handling to a worker, an employer shall make the necessary arrangements for the health surveillance of the worker as is appropriate to the health and safety risks involved during the assigned manual handling tasks, and in so doing, shall consider all relevant individual risk factors, a non-exhaustive list of which is laid down in Schedule II hereof;

Provided that the employer shall allow a worker the possibility, if the worker so wishes, to undergo health surveillance at regular intervals.

(5) An employer shall take all measures and precautions so as to protect particularly sensitive risk or vulnerable groups against the dangers which specifically affect them, and in so doing, shall consider all relevant individual risk factors, a non-exhaustive list of which is laid down in Schedule II hereof.

**5.** (1) All workers and, or their representatives shall be informed of all measures to be implemented, pursuant to these regulations with regard to the protection of safety and of health. Information for, and training of, workers.

(2) An employer shall ensure that workers and, or their representatives receive general indications and, where possible, precise information on:

- the weight of a load,
- the centre of gravity of the heaviest side when a package is eccentrically loaded.

(3) In addition to the training requirements established by virtue of other regulations issued under the Act, an employer shall ensure that workers also receive proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to Schedule I and II hereof.

**6.** Consultation and participation of workers and, or of their representatives shall take place in accordance with the General Provisions for Health and Safety at Work Places Regulations, 2003. Consultation of workers and workers' participation.

**7.** In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to do something, or to do something so far as is reasonably practicable, it shall be for the accused to prove, as the case may be, that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement. Onus of proof.

**8.** (1) Any breach of any provision of these regulations shall be deemed an offence. Offences.

(2) Any person who knowingly or recklessly interferes with the process of providing a safe and healthy place of work, shall be guilty of an offence.

Repeals regulation  
37 of L.N. 52 of  
1986.

**9.** Regulation 37 of the Factories (Health, Safety and Welfare) Regulations, 1986 is hereby repealed.

## SCHEDULE 1

### 1. Characteristics of the load

The manual handling of a load may present a risk particularly of back injury if it is:

- too heavy or too large,
- unwieldy or difficult to grasp,
- unstable or has contents likely to shift,
- positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk,
- likely, because of its contours and, or consistency, to result in injury to workers, particularly in the event of a collision.

### 2. Physical effort required

A physical effort may present a risk particularly of back injury if it is:

- too strenuous,
- only achieved by a twisting movement of the trunk,
- likely to result in a sudden movement of the load,
- made with the body in an unstable posture.

### 3. Characteristics of the working environment

The characteristics of the work environment may increase a risk particularly of back injury if:

- there is not enough room, in particular vertically, to carry out the activity,
- the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear,
- the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker,
- there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels,
- the floor or foot rest is unstable,
- the temperature, humidity or ventilation is unsuitable.

### 4. Requirements of the activity

The activity may present a risk particularly of back injury if it entails one or more of the following requirements:

- over-frequent or over-prolonged physical effort involving in particular the spine,
- an insufficient bodily rest or recovery period,
- excessive lifting, lowering or carrying distances,

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- a rate of work imposed by a process which cannot be altered by the worker.

(With a view to making a multi-factor analysis, reference may be made simultaneously to the various factors listed in Schedules I and II.)

## **SCHEDULE II**

The worker may be at risk if he/she:

- is physically unsuited to carry out the task in question,
- is wearing unsuitable clothing, footwear or other personal effects,
- does not have adequate or appropriate knowledge or training.

(With a view to multi-factor analysis, reference may be made simultaneously to the various factors listed in Schedules I and II.)