

# Construction Welfare Standards

## *Open Government status*

Fully open

## *Target audience*

FOD Construction Inspectors (Bands 0-4); Visiting Officers

## **Contents**

Construction Welfare Standards .....	1
Open Government status.....	1
Target audience.....	1
Contents .....	1
Summary .....	2
Introduction.....	2
Action.....	2
Background .....	3
Organisation .....	3
Further references .....	4
Appendix 1:.....	6
Appendix 2:.....	8
Appendix 3:.....	10
Appendix 4:.....	15
Appendix 5:.....	19
Appendix 6:.....	21
Appendix 7:.....	26

## **Summary**

This document explains the requirements for welfare facilities provision on construction sites, gives guidance on the interpretation of the standards and clarifies the basic expectations for compliance with Schedule 2 of the Construction (Design and Management) Regulations (CDM) and provides guidance on enforcement.

## **Introduction**

Welfare is a fundamental and basic necessity for workers. It is also required by law. Providing the right welfare standard sets the tone for a project and demonstrates a commitment to meeting workers' needs. The provision of toilets, a supply of hot and cold (or warm) water for washing, changing facilities, drinking water and somewhere to eat and rest is a basic expectation.

Welfare facilities form an important control measure in their own right as well. They help protect workers against the risks from hazardous substances such as cement, lead or micro-organisms.

## **Action**

Providing adequate sanitary, washing and other welfare provisions is an important part of any construction site arrangements because:

- They are one of an employer's fundamental and basic legal duties as set out in Section 2 of the Health and Safety at Work etc. Act 1974 (HSWA) and further expanded upon in the Construction (Design and Management) Regulations (CDM);
- Washing is a key element in effective risk control for some substances, like cement and lead, as well as micro-organisms present in various work environments;
- It can act as a general barometer of the importance given to providing a suitable working environment and the benefits this in turn brings to both the workers and employers.

Despite published guidance, the determination of what constitutes adequate welfare in compliance with the CDM continues to provide significant debate within industry. This document has been produced to address this. It provides a framework for interpreting the general welfare requirements under CDM and specifically the provisions required under Schedule 2.

This guidance sets out the approach Inspectors and Visiting Officers should take when inspecting issues related to welfare on construction sites. The development of this guide has considered industry perception and understanding of the term welfare and the interpretation of the requirements of Schedule 2 of CDM.

Inspectors and Visiting Officers should use this document to help form or support their opinion regarding the standards observed on site. It should also help influence and support enforcement decisions where standards fall below the benchmark.

Inspectors should:

- consider welfare provision at all construction inspection visits;
- refer to the HSE website for [details of types and standards of welfare facilities expected](#) and take appropriate enforcement action to secure compliance where on-site standards are poor.

Unless local factors point to a different outcome, then where toilets, hand basins, drying room, etc. have not been provided or are inadequate, the Enforcement Management Model (EMM) enforcement expectations are to:

- issue an Improvement Notice (IN) to secure compliance (a Prohibition Notice (PN) is generally not appropriate unless imminent health risks are present);
- consider prosecution for repeated offences (prosecution as a first offence for welfare breaches may be appropriate depending on the level of breach).

For larger clients tracking back is appropriate where problems are found, for example:

- no welfare;
- only portable toilets on site;
- clients not making space for welfare available.

## ***Background***

Providing welfare facilities is a defined standard (EMM table 3). If they are not provided or are inadequate then EMM gives an initial enforcement expectation of an IN.

The EMM (table 4) classes welfare provision as 'compliance and administrative arrangements'.

## ***Organisation***

## **Targeting**

FOD Construction Inspectors (Bands 0-4); Visiting Officers

## **Resources**

**NB:** The documents and webpages signposted throughout this document are provided as a source of further information. External resources referencing industry expectations are provided for information purposes only and may not reflect current legislation.

## ***Further references***

CDM implements Council Directive 92/57/EEC. The EU has published a non-binding guide to this (<https://publications.europa.eu/en/publication-detail/-/publication/96b5fe83-ef7d-4628-9af0-e02b25810c1d>).

HSE has also published general guidance (<http://www.hse.gov.uk/construction/healthrisks/welfare/index.htm>). However, the range of circumstances where construction work is undertaken means further clarification on a range of issues is often requested. There is a lack of suitable case law to provide a definitive position on interpreting some of the welfare phraseology used within CDM and Schedule 2. Given this, it is appropriate to read across from related standards / guidance where this exists. The following are particularly relevant:

- **Workplace (Health, Safety and Welfare) Regulations (WHSWR):** These are mostly disapplied in relation to construction sites (save for WHSWR regulations 18 and 25A as well as 7(1A), 12, 14, 15, 18, 19 and 26(1) for indoor sites). Of these 25A, with regard to disabled people, is the most relevant. That requires, where necessary, those parts of a workplace (including in particular doors, passageways, stairs, showers, washbasins and lavatories) used or occupied directly by disabled persons at work to be organised to take account of such persons.

Elsewhere, WHSWR has regulations specific to welfare that read across relatively straightforwardly to the CDM provisions. As a general principle construction should have standards consistent with those in other industries unless there are justifiable construction specific requirements for this. This is particularly applicable where specific WHSWR information relevant to welfare has Approved Code Of Practice (ACOP) status. An ACOP has special legal status. If the specific matters on which an ACOP gives advice are followed, then this is deemed sufficient to comply with the relevant part of the law it relates to.

- **Management of Health and Safety at Work Regulations (MHSW):** These place a number of requirements on dutyholders. Of particular relevance are those relating to new or expectant mothers and young persons. The latter are defined as someone under 18 but over compulsory school age (usually 16 but depending on the school leaving date).

- **Working Time Regulations:** Regulation 12 places specific requirements on rest breaks. An adult worker who's daily working time is more than six hours is entitled to an uninterrupted rest break of not less than 20 minutes away from work (subject to the provisions of any applicable collective agreement or workforce agreement). A young worker who's daily working time is more than 4 and a half hours is entitled to a rest break of at least 30 mins away from work, which should be consecutive if possible.

- **Risk Control Legislation:** Welfare, especially washing requirements, can also form a control measure. Consequently, there is a crossover with other legislation such as the Control of Substances Hazardous to Health Regulations (COSHH) and the Control of Lead at Work Regulations (CLAW). There should be consistency with general welfare requirements for those situations where it is appropriate, but some provision may need to be of a higher standard, dependent on the risk, to provide adequate control.

- **The Health and Safety (First-Aid) Regulations:** Regulation 3 requires employers to provide appropriate equipment and facilities to enable first-aid to be given if an employee is injured or becomes ill at work. The guidance to these regulations (L74) outlines typical examples of what an employer should include in a first aid room, if one is deemed as necessary in their first aid needs assessment. These include provision of a sink with hot and cold running water, drinking water with disposable cups and soap / paper towels.

## ***Contacts***

Construction Sector: Regulatory Support Unit

## **Appendix 1:**

General CDM Welfare Duties:

**1.1. Client:** The client is any person for whom a project is carried out. Under CDM regulation 4(1) clients have an absolute duty to ensure that they have made *'suitable arrangements for managing a project'*. Regulation 4(2)(b) interprets and explains this further making it clear that such arrangements include that *'the facilities required by Schedule 2 are provided in respect of any person carrying out construction work'*.

In practice this means that a client needs to create an environment or circumstances where the work can be carried out with the appropriate welfare facilities in place. An agreement needs to be reached with the Principal Contractor / Contractor before work starts about the facilities required for the whole duration of the construction work. Use of the client's own on-site facilities should not be the default option – particularly in relation to domestic work. (**Note:** Workplaces engaging peripatetic workers where there is not a specific construction site as defined - i.e. not specifically fenced off or otherwise segregated from the rest of the workplace - are legally required under WHSWR to make available their facilities for use).

**1.2. (Principal) Designers:** Under CDM this role(s) has no explicit duties regarding welfare. Their primary focus is to ensure that the project reduces risk to health and safety so far as is reasonably practicable. Welfare is not mentioned in these contexts. However, this role(s) still can influence the welfare that is provided via its interaction with the client. Under regulation 9(1) – *'A designer must not commence work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regs'*. It would also be good practice for them to advise their client on anything significant that might impact upon their duty to create an environment or circumstances where the work can be carried out with the appropriate welfare facilities in place.

**1.3. Principal Contractor:** Under Reg 13(4)(c) a Principal Contractor (PC) must ensure *'that facilities that comply with the requirements of Schedule 2 are provided throughout the construction phase'*. These facilities must be made available before any construction work starts and should be maintained until the end of the project.

**1.4. Contractor(s):** The PC is also required to liaise with other contractors involved with the project to ensure appropriate welfare facilities are provided. Such liaison should continue for the duration of the construction phase and take account of any changes in the nature of the site which require subsequent changes to the provision of welfare facilities. In turn, under reg 15(11) *'a contractor must ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with so far as they affect the contractor or any worker under that contractor's control'*. On projects involving more than one contractor, meeting this duty will involve discussing and agreeing with the PC. For projects involving only one contractor, the contractor themselves must ensure that suitable welfare facilities are available.

**1.5. Domestic Clients:** a domestic client, (i.e. someone who has construction work done on their own home, or the home of a family member, which is **not** done in connection with a business) has no legal duties under CDM. Regulation 7 of CDM transfers these to others as follows:

**Domestic projects involving one contractor:** on these projects the client's duties are transferred to the contractor. That contractor must carry out the client's duties as well as their own. In practice, this should involve doing little more to manage the work to ensure health and safety.

**Domestic projects involving more than one contractor:** on these projects, it will be the PC who takes on the client duties. The PC will need to comply with these duties as well as their own. If the domestic client does not appoint a PC, the role of PC falls to the contractor in control of the construction phase of the project.

**The principal designer where there is written agreement that the principal designer will fulfil those duties:** in some situations, domestic clients wishing to extend, refurbish or demolish parts of their own property will, in the first instance, engage an architect or other designer to produce possible designs for them. If they so wish, a domestic client can choose to have a written agreement with the principal designer (PD) to transfer the client duties to them. In this case, the PD must fulfil the duties of the client as well as their own. Where no such agreement is made, the PC will automatically take over the project management responsibilities.

## **Appendix 2:**

### **2. CDM Generalities**

Within CDM and Schedule 2 the above duties are qualified by some recurring general phrases. These require interpreting before considering the specific provisions:

**2.1. So far as reasonably practicable (SFAIRP):** This term has been well defined in case law (see <http://www.hse.gov.uk/risk/theory/alarpglance.htm>). In essence it is about making sure an issue has been suitably addressed when weighing the measures needed against the sacrifices involved. The decision is weighted in favour of health and safety because the presumption is that the duty-holder should implement the measure required. To avoid having to make this sacrifice, the duty-holder must be able to show that it would be grossly disproportionate to the benefits the measures would achieve. Thus, the process is not one of balancing the costs and benefits of measures but, rather, of adopting measures except where they are ruled out because they involve grossly disproportionate sacrifices.

**2.2. Suitable and Sufficient:** As discussed above, a PC must provide the facilities in Schedule 2 whereas a contractor has to ensure, SFAIRP, that these requirements are complied with. However, this difference cannot be viewed in isolation from the specific requirements set out in Schedule 2. These are often prefaced by the term “suitable and sufficient”.

Although common in H&S legislation this term is not prescribed to any great extent. Case law has established that it requires a qualitative assessment that considers all the relevant circumstances. With regards to welfare this means having particular regard to:

- The duration and extent of the work;
- The nature of the work and the foreseeable conditions associated with this. This includes seasonal variations as significant temperature and rainfall differences can be experienced by operatives over the year;
- The location / timing of the work and site-specific issues related to this;
- The number and composition of the workforce and their working patterns including relevant cultural, religious, disability and gender specific requirements.

**2.3. Adequate:** This phrase is sometimes used and is in effect a variation on suitable and sufficient above.

**2.4. Readily Accessible:** This means easily reached or capable of access without any reasonable hindrance. Again, it cannot be further defined and so is also subject to an assessment based on the circumstances of each case. However, these circumstances should take into consideration the immediacy of need. This may be different for different requirements. E.g. rest breaks can be scheduled and so it may be reasonable for it to take slightly longer to reach rest areas when compared to toilet facilities which someone should be able to reach quickly. It also requires the consideration of different people’s needs including the disabled.



The above elements provide an essential part of the framework for considering whether provisions meet the required standard. They are considered in more detail in the appendices below.

## **Appendix 3:**

### **3. Sanitary Conveniences**

Paragraph 1 of Schedule 2 places a number of requirements in relation to sanitary conveniences. The interpretation of specific parts (**highlighted**) of these requirements is discussed below. Firstly, though it is important to define what is meant by this term.

A useful reference document is Approved Document G of the Building Regulations 2010. This defines **sanitary appliance** as meaning a wide range of things including closet, urinal, bath, shower, washbasin, sink, bidet and drinking fountain. It also includes appliances that are not connected to a water supply (e.g. composting toilet) or drain (e.g. waterless urinal). **Sanitary conveniences** are specific appliances within this list, namely **urinals** and **closets**. A urinal is a sanitary appliance used by men for the reception and disposal of urine. A closet is essentially a small room or enclosure with a pan receptacle for faecal matter, urine and toilet paper, plus any associated flushing device, plumbing and fittings. Under this document a closet is further subdivided between:

- **Water-closet (WC):** a closet that has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of a mechanism or by automatic action.
- **Chemical-closet (CC):** a closet having a movable receptacle for the reception of faecal matter and its deodorisation by the use of earth, ashes or chemicals, or by other methods. This therefore includes chemical and composting toilets. They are usually referred to as earth closets. However, given that chemical toilets are the most likely type to be used on construction sites, it is more appropriate to refer to them as chemical closets within this document.

In addition to the above the document also refers to another relevant term **Sanitary accommodation**. This is defined as a room containing a closet or urinal whether or not it also contains other **sanitary appliances**. Sanitary accommodation containing one or more cubicles counts as a single space if there is free circulation of air throughout the space.

#### **3.1. Suitable and sufficient sanitary conveniences must be provided or made available at readily accessible places.**

The provision of sanitary conveniences is an absolute duty. There is no exception to them being provided or made available. However, what is suitable, sufficient and readily accessible will be situation dependent as discussed below:

- **Suitable:** A closet will always be needed. A urinal on its own will never be sufficient for male only sites as it is not capable of dealing with faecal matter. To be suitable this closet will need to be the right type, with the right associated facilities in appropriate sanitary accommodation. These are considered below:

- **Type:** Both the Approved Document G of the Building Regulations and the WHSWR ACOP draw a distinction between closets that are connected to a suitable

drainage system compared to those that are not and closets that have an effective means of flushing with water and those that do not. It effectively establishes the following general hierarchy for suitability:

(a) WC connected to a suitable drainage system with an effective means for flushing with water

(b) WC with an effective means of flushing with water connected to a suitable collection system that is emptied mechanically.

(c) CC with waterless chemically flushed appliances for workplaces without running water or a nearby sewer. These should have a suitable deodorising agent and be emptied / recharged at suitable intervals. As far as possible, this emptying should not be by manual means.

An objective assessment is required to determine which of the above is most appropriate in the given circumstances. The whole life cycle of the project and any different requirements throughout it should be considered at the outset. A key consideration will be the transient / changing nature of much construction work. Given this, a waterless chemically flushed closet may be the only reasonably practicable way of providing sanitary conveniences at the start and / or end of some projects or in addition to permanent facilities on more remote parts of larger sites. The whole life cycle of the project and any different requirements throughout it should be considered at the outset.

- **Associated Facilities:** In addition, to be suitable the closet will also require a number of elements so that it can be properly used. In line with BS 6465-1:2006+A1:2009 this includes consideration of:

- Toilet paper on holders or dispensers;
- Suitable means of cleaning (e.g. toilet brush);
- Hooks so clothing and articles don't have to be placed on the floor;
- Suitable means for the disposal of sanitary dressings in toilets used by women. (Consideration is given below relating to male sanitary waste disposal)

## **Sanitary Waste Disposal**

Although there is no clearly defined specific legal duty under the Health and Safety at Work etc Act 1974 or the Construction (Design and Management) Regulations 2015 naming sanitary waste disposal facilities as a requirement, it is reasonable to ensure that sanitary waste bins are provided in toilets to ensure they are kept in a clean and orderly condition.

Data from a recent study conducted by a leading cancer charity in January 2023 indicated reported that 51% of men surveyed as part of their research suffered from some form of prostate, bladder, or urinary incontinence. The construction industry has recognised this as an issue given the number of males employed in the industry and is actively working develop guidance on the provision of sanitary waste bins in male toilets.

For circumstances where inspectors are of the opinion that the lack of suitable waste disposal facilities means that the toilet facilities are not suitable or sufficient, enforcement may be appropriate this may be under CDM Regulation 13(4)(c) (Principal Contractor) or 15(11) (Contractor), Schedule 2 or HSWA Sections 2(1), 2(2)(e) or 3(1).

In instances where this applies to single sex male toilets on construction sites, please contact the Construction Sector in the first instance for advice.

**Accommodation:** The provision of suitable accommodation for the closet is also an important element in its use. In line with BS 6465-1:2006+A1:2009 this includes consideration of:

- Clear marking / signs;
- Walls, floor and ceilings that, where appropriate, are sufficiently robust to cope with everyday wear, any likely vandalism and can be suitably cleaned;
- Positioning to ensure that the entrance does not interfere with those moving nearby or impact on the provision of suitable privacy;
- A maximum of one closet per 'cubicle'. Where these are self-contained or non-gender specific the walls and doors for the cubicle should extend to the full height of the room / ceiling. Where there are a number of same sex cubicles alongside each other, partition walls should be sufficient for privacy including a gap of between 100-150mm above the floor with the partition extending at least 2m in height.
- The provision of sufficient space in accordance with BS6465-2 to allow for use, maintenance and cleaning and in female 'cubicles' to ensure that the sanitary waste disposal unit does not touch the seat of the closet.
- Adequate protection from the weather including sun, wind, rain and snow. Heating will be needed for the comfort of users in cold weather, but this needs to be carefully positioned. Sources of heating should not be located close to urinals as splashing can lead to odours and damage to the surface of the radiator. Similarly, protecting pipework against freezing in winter is required.

• **Sufficient:** Calculations for the number of persons using sanitary conveniences should reflect normal peak usage and be able to prevent any undue queuing. If fluctuations in working patterns/ schedules are likely then fire escape calculations etc could be used as a guide. When considering the ratio of WCs for workers Tables 1 and 2 in the WHSWR ACOP provides a good starting point (Note: The basic provision numbers in BS 64651:2006+A1:2009 are now in some instances greater than indicated below).

Table 1: Provision for mixed workplaces

Number of people at work	Number of cubicles
1 to 5	1
6 to 25	2
26 to 50	3
51 to 75	4
75 to 100	5

Table 2: Alternative ratio for men only use

Number of people at work	Number of cubicles	Number of urinals
1 to 15	1	1
16 to 30	2	1
31 to 45	2	2
46 to 60	3	2
61 to 75	3	3
76 to 90	4	3
91 to 100	4	4

If separate toilets are provided for a group of workers (e.g. men, women, office workers, manual workers) a separate calculation should be made for each group. Table 2 provides an alternative to column 2 of Table 1 where WCs are only used by a group of men and both cubicles and urinals are provided. This allows for the provision of urinals to reduce the number of WCs. However, there must always be at least one WC. A urinal may either be an individual urinal or a section of urinal space which is at least 600 mm long.

An additional toilet should be provided for every 25 people above a total of 100 (or fraction of 25). For toilets only used by men, an additional cubicle for every 50 men (or fraction of 50) above 100 is sufficient, provided there are at least an equal number of additional urinals.

The above is specified with plumbed appliances in mind. CCs have limited capacity and need emptying. Given this BS 6465-1:2006+A1:2009 recommends that there is one CC per seven persons where once a week emptying is provided.

• **Readily Accessible:** Unlike rest breaks, toilet needs cannot be planned in. Workers should not have any significant wait when they need to use a WC / CC / urinal. Such a wait can cause distress or exacerbate health issues.

BS 6465-1:2006+A1:2009 provides a good rule of thumb for what this means in practice. For permanent workplaces in buildings staff should not have to walk more than 100m or up / down more than one floor. An adjustment in the standard also exists for fixed, stationary, remote and temporary workplaces, including construction sites. This advises that staff should not have to walk more than 150m. On larger sites this may therefore necessitate the provision of satellite conveniences in more remote parts of the site / away from central compounds.

For very remote sites or sites covering a large distance (such as roadworks) it may not be possible for workers to access a convenience without transport. However, in those instances that transport should always be available, and the journey time should be equitable to the time taken to walk 150m.

In addition to being readily accessible for workers, this term should also be used in relation to the positioning of those conveniences that require delivery / emptying by a vehicle etc.

**3.2. So far as is reasonably practicable, rooms containing sanitary conveniences must be adequately *ventilated* and *lit*.**

• **Ventilation:** The WHSWR ACOP specifies that *'Any room containing a toilet should be well ventilated, so that offensive odours do not linger. Measures should also be taken to prevent odours entering other rooms. It should not be possible for air from a room containing a toilet to enter a room where food is processed, prepared or eaten'*.

Such ventilation may be natural (e.g. windows or skylights with direct openings to the outside) or mechanical. Further general requirements on workplace ventilation are contained in the ACOP to regulation 6 of WHSWR.

• **Lighting:** BS 6465-1:2006+A1:2009 indicates that sanitary facilities should be well lit. The preference is for natural light (daylight) but any window which might provide a view into the facility should be of opaque material or have blinds etc unless it is not possible to see into it from outside. Where this cannot be achieved, or work extends outside of daylight hours, then electric lighting should be to a minimum of 100 lux (200 lux for accessible toilets). Low energy lighting should be considered but systems that respond to movement should be used with caution to ensure people are not left in the dark.

Appropriate consideration also needs to be given to the risks associated with the power source for any such lighting. These include electrical safety and carbon monoxide risks from petrol generators

**3.3. So far as is reasonably practicable, sanitary conveniences and the rooms containing them must be kept in a *clean and orderly* condition.**

• **Clean and Orderly:** The ACOP to WHSWR specifies that *'Arrangements should be made to ensure that rooms containing toilets or washing facilities are ... kept clean. The frequency and thoroughness of cleaning should be adequate for this purpose. Responsibility for cleaning should be clearly established, particularly where facilities are shared by more than one workplace. The surfaces of internal walls and floors of the facilities should normally have a surface which permits wet cleaning, for example ceramic tiling or a washable surface.'*

Frequency and thoroughness will need to consider site conditions, weather and frequency of use. The Principal Contractor / Contractor as appropriate should clearly establish who is responsible for what, when and how as part of their site arrangements.

**3.4. *Separate rooms* containing sanitary conveniences must be provided for men and women, except where and so far as each convenience is in a separate room, the door of which is capable of being secured from the inside.**

- **Separate rooms:** This is mostly a self-explanatory term. As discussed in 5.1. the walls and doors for the accommodation should extend to the full height of the room with no gaps. Doors should be secured from the inside by safety locks which can, in the event of an emergency, be released from the outside

## **Appendix 4:**

### **4. Washing Facilities**

Paragraph 2 of Schedule 2 places a number of requirements in relation to washing facilities. The interpretation of specific parts of these (**highlighted**) is discussed below:

*4.1. **Suitable and sufficient** washing facilities, including showers if required by the nature of the work or for health reasons, must, so far as is reasonably practicable, be provided or made available at **readily accessible places**.*

Unlike the absolute duty to provide sanitary conveniences, the provision of washing facilities is qualified by 'so far as is reasonably practicable'; i.e. they should be provided except where this involves grossly disproportionate sacrifices. Given the relative ease with which provision is possible and the project planning requirements under CDM such situations should be very few and far between. However, what is suitable, sufficient and readily accessible will again be situation dependent as discussed below:

- **Suitable:** Washing facilities are required for a number of reasons including as a control measure to prevent ingestion, skin risks etc and to prevent spread of contaminants. The facilities provided need to be proportionate to achieve this in foreseeable construction work environments.

Both the ACOP to WHSWR and BS 6465-1:2006+A1:2009 make a general distinction between handwashing and general washing. In the majority of instances, it is foreseeable that construction work will involve heavy soiling of the hands and forearms (and possibly the face from splashes etc) which could also include contamination by harmful substances such as cement, micro-organisms or lead. Minimum general washing provisions will therefore be needed in these instances. Both documents specify in these situations that basins need to be provided that are large enough to allow workers to wash their face, hands and forearms (i.e. up to the elbow). This is also referenced in paragraph 2(7) of Schedule 2. Alternatively, each basin may be replaced by a 600mm section of washing trough.

While a small basin may be suitable for hand washing etc after use of the toilet, in many instances it is likely to be insufficient on its own, so far as is reasonably practicable, to meet the minimum washing provisions for a construction site (i.e. unless the work is non-manual or very light manual work with minimal soiling).

It is also important to draw a distinction between general washing and those facilities provided to ensure that meals can be prepared and eaten. The latter is considered further in section 7.1 and includes the provision of a sink to ensure a good standard

of food related hygiene (see Approved Document G). That food preparation requirement is incompatible with the contaminants being removed from toilet and construction work related activities. The former should not therefore be used as a combined solution for the latter unless it can be demonstrated that this cannot give rise to health issues associated with poor hygiene. The two are essentially separate and require separate washing provisions for different purposes.

Both documents also qualify that this minimum provision should be expanded to include showers where relevant to the work. However, it is important to draw a distinction between washing for health and washing for general social norms. While providing a shower for all workers for 'freshening up' after work may be desirable for social and community reasons, is not required by the law unless needed on the basis of risk. Determination of this will be site dependent but is likely to be for situations such as:

- Specific hazardous substances like lead;
- Specific hazardous work such as contaminated ground or refurbishing sewage works;
- Work that is particularly strenuous or dirty;
- Heat Stress where work is taking place in very hot conditions.

In addition to the above there are a number of specific and general considerations that are essential for washing facilities to be properly used and hence suitable:

- **Specific Considerations:** Unlike sanitary conveniences, paragraph 2(3) goes on to specify some other important elements. These are:

*(a) a supply of clean hot and cold, or warm, water (which must be running water so far as is reasonably practicable);*

The most effective way of cleaning is by using soap with an adequate supply of warm water. Cold water on its own is not sufficient. Not only does this fail to comply with a specific legal duty, the water needs to be a comfortable temperature so that there is no barrier to use, particularly in cold weather. Where cold water is provided with hot it is important that there is an effective means for the two to be mixed to achieve a comfortable temperature and minimise any potential scalding risks.

This water is required to be running so far as is reasonably practicable. Running water is water that is flowing rather than standing still (i.e. not water just sitting in an open container). This means piped water where this can be used as opposed to that simply stored in a tank. Piped water has the added advantage of continual supply so there should always be enough for the needs.

- Where piped water is not reasonably practicable stored tank water would be a suitable alternative as the water from this will still reach a tap in some way and so is "running" or "flowing" when the tap is turned on. However, the provision and maintenance of stored water would also need consideration of:

- **Volume:** Implicit within the requirements is that the supply of water is enough for the required use or of sufficient quantity that it can be easily replaced with a ready fresh supply before running out. The amount required would need to be



determined based upon the capacity of the sinks provided, the number of times workers will need to wash based on foreseeable work conditions and sufficient water to cover not only 'routine' washing but also situations where the skin may need to be irrigated under a steady flow of running water for a sustained period (e.g. as part of the treatment for a chemical burn). Part G of the Building regs provides a flow rate of 6 litres and 8 litres per minute for sinks and basins respectively while the flow rate for showers is 10 litres per minute. BS 6465-3 provides 3 minutes as the indicative period of typical shower use. A similar figure is not provided for sinks or basins.

- **Management:** To prevent stagnation, bacterial growth and any associated risks like legionella in accordance with BS8551:2015. Frozen pipes may also be an issue in cold weather.
- **Disposal:** Appropriate disposal or storage of the greywater where suitable drainage systems are not in place.

The phrasing used in Schedule 2 means that there is a strong presumption in favour of the use of water over any other cleaning medium such as hand sanitising gels (which are only of practical use where hands etc look visibly clean and the risks are more bacterial). A duty holder would have to clearly demonstrate that providing water was a grossly disproportionate sacrifice in this instance for hand sanitising gels, wipes etc to be deemed a suitable alternative.

*(b) soap or other suitable means of cleaning;*

The best provision for cleansing with warm water is soap or any other medium that is as effective. Again, implicit within the requirements is that the supply is sufficient for the required use or of sufficient quantity that it can be easily replaced with a ready fresh supply before running out. Where nail brushes are provided these should be disposable / personal issue to prevent cross contamination.

*(c) towels or other suitable means of drying;*

It is important to dry hands after washing as the rubbing and drying process can remove significant amounts of bacteria. The hand drying options are listed in Table 6 of BS 6465-3 and include individual terry towels, paper towels, electric dryer, roller towel, loop towel, integrated wash and dry unit or combined paper towels and electric dryer. A suitable option(s) should be chosen taking into account:

- **Type:** In the majority of instances it is foreseeable that construction work will involve heavy soiling of the hands and forearms (and possibly the face). The chosen option should be suitable for drying all washed areas.
- **Maintenance / replacement:** Implicit within the requirements is that the means of drying such as towels etc is sufficient for the required use or of sufficient quantity that it can be easily replaced with a ready fresh supply before running out. This is important to guard against bacterial transfer and proliferation / spread of contamination.

- **Alternatives:** Any back-up option to guard against a power cut etc.

Where showers are required a suitable supply of bath towels will also be required. Arrangements will need to be in place to ensure that these are replaced / laundered as needed depending upon the frequency / numbers used.

– **General Considerations:** There are other elements not included within paragraph 2(3) that are also important pre-requisites to ensure suitability:

- **Plugs:** for sinks to enable the mixing of hot water with cold where scalding would otherwise be a risk and allow skin to be ‘soaked’ where needed;
- **Hardware:** The provision of associated items for cleaning, drying and any clothing to be located;
- **Materials:** Suitably robust materials that can be easily and appropriately cleaned;
- **Privacy:** The provision of appropriate privacy particularly where there are both male and female workers. This is subject to a specific requirement within paragraph 2(6) for those facilities where provisions extend beyond washing just hands, forearms and face. This legally requires separate washing facilities in these instances except where they are in a room intended to be used by only one person at a time and that room has a door capable of being locked from the inside. (**Note:** the provision of changing rooms and lockers is covered separately in Section 8).
- **Comfort:** As discussed in 5.1. adequate protection from the weather and heating may be needed.

• **Sufficient:** As with sanitary conveniences, there are calculations available for the minimum number of persons using washing facilities in Table 1 of the WHSWR ACOP.

Number of people at work	Number of cubicles	Number of washbasins
1 to 5	1	1
6 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5

(Note: BS 6465-1:2006+A1:2009 also states that where there is likely to be heavy soiling etc there should be 1 washbasin per 10 persons at work (or fraction at work) up to 50 persons with 1 additional washbasin per additional 20 persons (or fraction thereof).

Drying arrangements will need to be proportionate to this. BS6465-1 states that for hand drying, hot air dryers should be provided one to every three basins with other hand drying facilities one for every four basins.

The equivalent calculation can be applied to the provision of showers. However, in this instance they may not be needed by the entire site workforce. Instead the ratio is

better based on the total numbers needing shower facilities given the specific work conditions discussed above.

The final number of washing facilities provided also need to take into account:

– **Location:** There is a general requirement for washing facilities to be located in readily accessible places. The general definition for this given in 2.4 above is ‘easily reached or capable of access without any reasonable hindrance’. Paragraph 2(2) of Schedule 2 also states they must be provided:

- (a) *in the immediate vicinity of every sanitary convenience, whether or not also provided elsewhere; and*
- (b) *in the vicinity of any changing rooms required by paragraph 4, whether or not provided elsewhere.*

The correct location is an important measure to ensure that they can/ are used (e.g. prior to eating and drinking). Additional washing facilities may therefore be needed depending upon the extent to which they are co-located with any of the above (e.g. integral to toilet cubicle, as part of a larger toilet block or as part of a washing block with showers and associated changing facilities) – see section 6.

- – **Risk control:** Specific substances may also require washing facilities as a key element of control. Increased provision may be needed for this if, for example, the washing facility needs to be close to the work for emergency purposes or there is an increased risk of spread / contamination if they are shared by others doing different work.
- – **Break and Shift Dependent:** A good standard of washing is required before rest breaks and changing / leaving site to minimise ingestion etc risks and spreading any contamination. Consequently, washing facilities need to be within easy reach of any canteen / break areas – see section 7.

*4.2. Rooms containing washing facilities must be sufficiently **ventilated** and **lit**.*

- Details for these terms are the same as 3.2 above

*4.3. Washing facilities and the rooms containing them must be kept in a **clean** and **orderly** condition.*

- Details for these terms are the same as 3.3 above

## **Appendix 5:**

### **5. Drinking water**

Paragraph 3 of Schedule 2 places a number of requirements in relation to drinking water. The interpretation of specific parts of these (**highlighted**) is discussed below:

*5.1. An **adequate supply of wholesome drinking water** must be **provided or made available at readily accessible and suitable places***

- **Adequate supply:** The body needs adequate water or other fluids to work properly and to avoid dehydration. The NHS recommends individuals should drink about 1.2 litres when working in a moderate climate doing normal physical activity. In hot weather and when doing strenuous activity, this amount will need to be appropriately increased.

- **Wholesome drinking water:** This means water that is fit for human consumption in accordance with the relevant standards.

- **Provided / Made Available:** There is a legal obligation to provide drinking water to workers on construction sites. This can be done in a number of ways:

- **Existing Mains Supply:** This should be used where possible. Additional connections to and use of existing mains water supply will need to comply with the relevant standards.

- **Temporary Water Supply:** Such supplies need to be appropriately planned and managed in accordance with BS 8551:2015. Preference is given to a temporary distribution network from a public or private treated water supply. Water should only be supplied / stored in an appropriate vessel where this cannot be achieved. The standard for this is also outlined in BS 8551:2015.

- **Sealed bottled drinking water as purchased:** In most instances this should be provided as a supplementary source of drinking water where needed (e.g. when undertaking strenuous work). It should be stored in a cool, dark place out of direct sunlight and away from strong odours and volatile materials that can permeate. However, it may be the most reasonable option to provide drinking water on small / peripatetic sites. While workers are able to bring drinking bottles / containers for personal use, this is in addition to any drinking water provided / made available and is not a substitute for it.

- **Readily Accessible:** As outlined in 2.4 this is subject to an assessment based on the circumstances of each case. In general, it is reasonable for drinking water to be located alongside or in rest rooms and other welfare facilities. The same considerations therefore apply as per 6.1 and 7.1 below. However, additional thought also needs to be given to:

- **Hot weather or strenuous activity:** In these circumstances drinking water - e.g. in bottles – may also need to be available close to where the work is being carried out in addition to one place on the site, such as the rest/food preparation area.

- **Work location:** Where workers are in one place for a significant period of time, (e.g. tower crane operator, or highway work away from rest areas) arrangements will be needed to ensure an adequate amount of drinking water is available for their needs.

- **Suitable Places:** Drinking water taps / containers etc should not be installed or stored in places where contamination is likely. This includes close to closets. A

drinking fountain may be installed within the toilet accommodation but should be as far away from the closet, urinals and other sources of contamination as possible.

*5.2. Where necessary for reasons of health or safety, every supply of drinking water must be **conspicuously marked** by an appropriate sign.*

- **Conspicuously Marked:** Not all water available on site may be used for drinking. Consequently, that used for other purposes would not need to be fit for human consumption. However, this may cause confusion as to which source can be drunk and which cannot. Where this is the case, the supply of drinking water should be clearly identifiable if there is a significant risk of people consuming non-drinking water. This should be done by a sign that is readily recognisable by those on site taking into account that English may not be the first language of those working. Bottled drinking water should already be suitably marked for sale purposes.

*5.3. Where a supply of drinking water is provided, a **sufficient number of suitable cups** or other drinking vessels must also be provided, unless the supply of drinking water is in a **jet** from which persons can drink easily.*

- **Sufficient Number of Suitable Cups:** Drinking cups or beakers should be provided unless the water supply is through a drinking fountain. Disposable drinking cups used with water coolers are normally 200 - 250ml and this provides a good indication of a suitable size.

The number of cups needs to take into account the total number of workers on the site and the work / break patterns. Where non-disposable cups are provided there needs to be sufficient facilities to wash, dry and store these (see also section 7.1 below). Where disposable cups are provided during a project, they need to be in sufficient quantity to cover the amount of water people are likely to drink in a day (e.g. 6 x 200ml cups per person would meet the 1.2litre NHS guideline amount for work in a moderate climate doing normal physical activity).

- **Jet:** Information on the jet nozzle for drinking fountains is contained in BS 6465-3:2006. This nozzle should be at least 25mm above the spill-over level of the bowl and should be shielded to protect it from contamination by the mouth of users

## **Appendix 6:**

### **6. Changing rooms and Lockers.**

Paragraph 4 of Schedule 2 places a number of requirements in relation to changing rooms and lockers. The interpretation of specific parts of these (**highlighted**) is discussed below. Firstly, it is important to define what is meant by these terms:

- **Changing Rooms:** By general definition this is a room or area designated for changing clothing in a semi-public situation to enable an appropriate degree of privacy. Many changing rooms are also associated with toilets and washing facilities and therefore their provision needs to be considered alongside sections 3 and 4 above.

- **Lockers:** Are a specific type of cabinet / cupboard / storage container intended for use in public places. They are usually intended for the 'temporary' private storage of an individual's clothing and other personal items by secure means (i.e. a means of locking).

**6.1 Suitable and sufficient changing rooms must be provided or made available at readily accessible places if a worker—**

(a) has to wear **special clothing** for the purposes of construction work; and  
(b) cannot, for reasons of **health** or **propriety**, be expected to **change elsewhere**.

- **If:** The requirement to provide changing rooms is conditional and dependent upon the wearing of special clothing **and** the changing needs associated with this. This is interpreted as follows:

- **Special Clothing:** Guidance accompanying the WHSWR describes this as including all clothing that is only worn at work, such as overalls, uniforms and thermal clothing – i.e. it is clothing designated for a special work purpose. The tribunal in the *Post Office v Footit* (1999) case defined 'special clothing' for regulation 24 of WHSWR "as any clothing *which would not ordinarily be worn other than for work* and which is designed to relate to the employee's work such as for instance a distinctive uniform". Some clothes that construction workers wear will only be for work (hi-vis, helmets), others, such as overalls or jackets, may be worn other than for work, but could also be worn by construction workers for work purposes, as an outer layer to be removed when soiled by dust etc. The question is therefore one of fact and, due to the special nature of construction work, there is no need to follow exactly the guidance accompanying WHSWR in relation to 'clothing that is *only* worn at work'.

- **Change Elsewhere:** Where special clothing is required, the provision of changing facilities is also conditional upon whether it is reasonable or not (for the purposes of health or propriety) to expect a worker to be able to change elsewhere. For example, where the only special clothing is a hard hat and high-vis jacket (worn as an outer layer) there is likely to be no health or proprietary reasons preventing them from removing this anywhere and hence no changing facilities would be needed.

- **Health:** In this instance there is a risk to health arising from someone being unable to change their clothing in an appropriate room – e.g. they need the appropriate environment to be able to put on and wear the clothing properly as well as taking it off to minimise spread / cross contamination. Similarly, the wearing of wet clothing could cause or exacerbate skin conditions and it would be unreasonable to expect a person to wait a significant time until they get home to change into dry clothing. However, it is important to draw a distinction between health and social norms. Travelling on public transport in 'dirty' clothes may be an anti-social rather than a health risk. Where this is the case it would not be proportionate.

- **Propriety:** In this instance 'propriety' would cover conformity to established standards of good or proper behaviour / manners and privacy appropriate to the cultural, religious, disability and gender issues of the workforce. The *Post Office v*

*Footit* case examined this point in the context of changing rooms for women and WHSWR regulation 24 (which is similarly worded to CDM). In that case there were many more men than women and there was a unisex changing room with separate male and female toilets. The women were expected to change in the female toilet area, which was large enough to incorporate a changing area but did not have one. The court concluded that propriety was not limited only to separation of genders, it also related to the interests of privacy. Accordingly, requiring the women to change in front of other women in the toilet area did relate to the question of 'propriety' in dealing with the question of whether someone can be 'expected to change elsewhere'. The tribunal and court concluded it was inappropriate and separate changing facilities were needed. Guidance to Regulation 24 in the WHSWR ACOP supports this, stating that changing facilities should be accessible from workrooms and eating facilities and ensure the occupier's privacy.'

• **Suitable and Sufficient:** By virtue of paragraph 4(3) in schedule 2 there are some specific requirements that changing rooms must fulfil:

*(a) be provided with seating:*

Unlike rest areas there is no specific requirement as to what form the seating should take. In many changing rooms these are typically in the form of benches. They should be of a robust material that can sustain a high degree of wear. Ideally, they should have space underneath to allow for the placing of bags and cleaning.

*(b) include, where necessary, facilities to enable a person to dry any special clothing and any personal clothing or effects.*

Facilities for drying special and personal clothing are needed where it is foreseeable that people could get wet during the normal process of their work on site (e.g. groundworkers or 'wet' trades). Such facilities may be included within or separate to the main changing area. Key considerations are:

**Temperature:** this needs to be sufficient to dry clothes within the time period before they are next required – i.e. by the beginning of the following work period – unless other dry clothing is provided. Clothing should not be placed directly on heaters if there is a risk of fire. If electrical heaters are used, they should be properly ventilated and, if possible, fitted with a high temperature cut-out device.

**Moisture:** drying damp clothing will give off significant moisture. Measures to counteract a build-up will therefore be needed – e.g. ventilation or dehumidifiers.

**Air Circulation:** To dry effectively, clothing needs to be given sufficient space to enable the air to circulate. This means that there needs to be enough hanging space for the type of clothing that is likely to get wet.

**Security:** In order to dry special clothing such as PPE, it will need to be left at work and not taken home. To meet the requirements under 6.3 below, arrangements for locking the drying area may also be required.

There is a lack of detailed standards to act as a benchmark in this area when compared to toilets and washing facilities. However, using those as a basis it is reasonable to consider many of the same basic provisions apply including:

**Construction:** Walls, floor and ceilings that, where appropriate, are sufficiently robust to cope with everyday wear, any likely vandalism and can be suitably cleaned.

**Positioning:** To ensure that the entrance does not impact on the provision of suitable privacy.

**Space:** The changing room needs to be big enough to accommodate, without unreasonable delay, the largest number of people likely to use it at any one time together with the equipment associated with them. No specific standards for space could be identified. However, as a guide Sport England recommends a minimum space calculated at 1.0m<sup>2</sup> per person for sport changing room facilities.

**Heating:** This will be needed for the comfort of users in cold weather. It should be carefully positioned to avoid any scalding risks.

**Ventilation:** Such ventilation may be natural (e.g. windows or skylights with direct openings to the outside) or mechanical. Further general requirements on workplace ventilation are contained in the ACOP to regulation 6 of WHSWR.

**Lighting:** Changing facilities should be well lit. The preference is for natural light (daylight) but any window which might provide a view into the facility should be of opaque material or have blinds etc unless it is not possible to see into it from outside. Where this cannot be achieved, or work extends outside of daylight hours, then the Chartered Institute of Building Services Engineers (CIBSE) guidelines is for electric lighting to be to a minimum of 100 lux. Low energy lighting should be considered but systems that respond to movement should be used with caution to ensure people are not left in the dark. Appropriate consideration also needs to be given to the risks associated with the power source for any such lighting. These include electrical safety and carbon monoxide risks from petrol generators

**Hardware:** Hooks so clothing and articles don't have to be placed on the floor;

**Segregation:** Where work clothing (including personal protective equipment) becomes significantly dirty, damp or contaminated due to the work, it should be accommodated separately from the worker's own clothing. Determination should be on a risk basis requiring consideration of all relevant circumstances. Again, it is important to draw a distinction between health and social norms.

- **Readily Accessible:** This will be situation dependent. If significantly dirty / contaminated / wet clothing needs to be removed during the working day (e.g. at break times to prevent cross-contamination) then a changing room will be needed on site. It should be located nearby to other facilities that workers are likely to use around the same time (e.g. for rest) or else workers may be discouraged from using them. In other situations, it may only be necessary for a dutyholder to use a central local base that workers visit by vehicle at the start/end of shift (or even lunch time) to



store clothes, change etc. This may be also more proportionate on smaller / transient sites.

6.2 *Where necessary for reasons of **propriety**, there must be **separate changing rooms** for, or separate use of rooms by, men and women.*

- **Proprietary:** As outlined in 6.1 above
- **Separate Changing Rooms:** Separate changing rooms must be provided for men and women unless there is a non-gender specific open space with individual cubicles or stalls with walls and doors that extend the full height of the room. Such doors must be lockable. The provision of separate facilities should also be sufficient for the composition of the workforce and any variations in shift patterns associated with this.

6.3 ***Suitable and sufficient facilities** must, **where necessary**, be provided or made available at **readily accessible** places to enable persons to **lock away**—*

- (a) *any special clothing which is not taken home;*
- (b) *their own clothing which is not worn during working hours; and*
- (c) *their personal effects.*

- **Where Necessary:** The provision of suitable lockable facilities is not an absolute duty. It is primarily a consideration of security needs and will depend on the environment where the work is taking place.

- **Suitable Facilities:** Traditionally this means a locker but is not exclusively so. A variety of options are available, but these must fulfil the following criteria:

- **Size:** The facility is large enough to reasonably accommodate all the required clothing and personal effects.

- **Role:** There are several roles that these facilities can fulfil including:

- **Function:** As discussed in 8.1 above, facilities may be needed in order to enable drying of special clothing. Putting wet clothing in an enclosed locker is unlikely to enable this unless specifically designed. Other relevant functional requirements should also be considered.

- **Special clothing specific:** If not taken home, these will need to be secured to ensure they are available to those who need them during the following work period. There are also duties regarding the accommodation of PPE under the Personal Protective Equipment at Work Regulations 1992. This may also require specific arrangements.

- **Multipurpose:** For the storage of both work and personal clothing and items. There should be a way of separately storing personal clothing / items from work ones (e.g. different compartments in a locker) to avoid cross contamination between clean and dirty clothing or PPE when stored together.

- **Personal:** For the storage of personal clothing changed out of/into at the start/end of a work shift together with any personal items and valuables.
- **Valuables:** For the separate storage of personal items and valuables where there is no or a separate need for this to personal clothing.
- **Lock / Security:** The facility is of a construction that is sufficiently robust to prevent unauthorised access when secured during normal use. This can take a number of forms, but it should only be able to be opened by the appropriate person.
- **Readily Accessible:** This has the same considerations as 6.1 above.

## **Appendix 7:**

### **7. Facilities for rest**

Paragraph 5 of *Schedule 2* places several requirements in relation to facilities for rest. The interpretation of specific parts of these (**highlighted**) is discussed below. Firstly, though it is important to define what is meant by this term.

- **Rest Rooms and Rest Areas:** *Schedule 2* uses the term “rest rooms or rest areas” but does not specifically interpret what is meant by these terms. There is also no interpretation in *WHSWR*. The literal meaning of the word “rest” is to cease work or being inactive for a period, in order to relax, sleep or recover strength. The literal meaning of the term “room” implies a space that can be occupied or that is enclosed by walls, floor and a ceiling, with the term “area” being a space allocated for specific use (e.g. a dining area). Taking the meanings of these terms as a starting point, it is either a room or an area that provides facilities for people to rest, relax, eat meals in and drink in.

#### **7.1 Suitable and sufficient rest rooms or rest areas must be provided or made available at readily accessible places.**

The provision for rest is an absolute duty. There is no exception to it being provided or made available. However, what is suitable, sufficient and readily accessible will be situation dependent as discussed below. In addition to these areas, separate legislation also requires appropriate consideration of the risks associated with the use of the facilities provided – e.g. transport, electrical, carbon monoxide and fire risks and the precautions that need to be taken.

- **Suitable and Sufficient:** By virtue of paragraph 5(2) in *Schedule 2* there are some specific requirements that rest areas must fulfil:

*a) be equipped with an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time;*

Rest areas or rest rooms should have sufficient seats and tables for the number of workers likely to use them at any one time taking into account shift patterns and any crossover periods. These should be of a robust construction and easily cleaned.

Seats must have a back, which should, where possible provide adequate support for the lower back.

As a guide to size, *BS ISO 7250-3:2015 Basic human body measurements for technological design* provides worldwide and regional design ranges for use in product standards. Similarly, BS EN 527-1: 2011 and BS EN1335-1:2000 provide ergonomic data in relation to office furniture. This data is informative when considering the size of tables and seating.

b) *where necessary, include suitable facilities for any woman at work who is pregnant or who is a nursing mother to rest lying down;*

Any rest facilities for pregnant or nursing women should not expose them to any risk from processes / working conditions or any associated physical, micro-biological or chemical agents. Specific consideration is needed regarding:

**Rest lying down:** Some of the risk factors requiring consideration for nursing and pregnant women include standing and sitting for long lengths of time and fatigue. To mitigate this, suitable facilities are needed to rest lying down. What is a suitable provision for lying down will need to be adequate for the individual person's needs but could take the form of a bed, first-aid couch etc.

**Associated facilities:** New and expectant mothers are more likely to need the toilet as it is important for them to drink plenty of fluids. Facilities for pregnant women and nursing mothers should be conveniently situated in relation to toilets. An appropriate environment may also be provided for nursing mothers to express and store milk. Toilet facilities are not suitable for this.

c) include suitable arrangements to ensure that meals can be prepared and eaten;

The purpose of this provision is so that workers can either prepare food for themselves or have it prepared for them on site – particularly in those locations where access to local facilities is inadequate. The arrangements should be adequate for the number of people using them at one time and needs consideration of the factors below. It should be noted that eating in the workplace is also covered by other health specific legislation concerning asbestos, lead, and other hazardous substances.

**Hygiene:** Good hygiene standards are required in those parts of rest facilities used for eating or preparing food. As advised in paragraph 4.1 it is important to draw a distinction between general washing facilities and washing facilities in food preparation areas. *The Building Regulations 2010, Approved Document G: Sanitation, hot water safety and water efficiency* requires a suitable sink to be provided in any area where food is prepared. In view of this it is considered that, SFAIRP, a separate sink within areas of rest facilities should be provided to ensure a good standard of food hygiene unless it can be demonstrated that using the same sink for both purposes would not give rise to health issues.

Arrangements also need to be made to ensure that eating facilities can be kept appropriately clean. This includes supplying waste bins/receptacles to prevent the build-up of food waste and other rubbish.

**Facilities:** A number of basic items are required in order for food to be properly prepared and eaten including:

- o A means of heating food (e.g. a heating ring, or microwave oven);
- o Storage for food and utensils, including a fridge for perishable food if appropriate;
- o Surfaces suitable for food preparation and subsequent cleaning;
- o Tables and chairs for eating as required above.

d) include the means for boiling water.

The purpose of this provision is to enable workers to make their own hot drink. There should therefore be a facility for this such as an electric kettle or urn. Provision should meet realistic demand.

e) be maintained at an appropriate temperature.

The *ACOP to WHSWR regulation 7* states that in areas of the workplace other than workrooms, such as rest facilities, temperatures should be reasonable. The ACOP does not define a “reasonable temperature” for these areas but does state that the temperature in an indoor workplace should normally be at least 16 degrees Celsius. It is therefore appropriate to consider a reasonable temperature for rest facilities to be the same. It does, however, note that this temperature may not necessarily provide reasonable comfort, depending on other factors such as air movement, relative humidity and worker clothing. If a reasonably comfortable temperature cannot be achieved, local heating or cooling (as appropriate) should be provided.

In addition to the above there are a number of general considerations that are essential for rest facilities to be properly used and hence suitable:

**Segregation:** Any rest room or rest area needs to be sufficiently segregated from any work activity that is potentially harmful to health, e.g. processes that generate dust, vapours, fume, noise etc. This would also be required to comply with duties under other applicable legislation. Rest facilities should also not become contaminated by substances brought in on footwear or clothing. This should also be considered when determining the location of washing and changing facilities (see section 4 and section 6 of this document respectively).

**Space:** Rest facilities should have sufficient space for the people needing to use them. It is important to note this includes the number of persons that can do this safely. As a guide, The Building Regulations 2010 Approved Document B (fire safety) volume 2: buildings other than dwelling houses, Appendix C refers to the occupant capacity of a room, storey, building or part of a building as: (a) the maximum number of people it is designed to hold; or (b) the number calculated by

dividing the area (m<sup>2</sup>) by a floor space factor (m<sup>2</sup> per person) such as those given in the publication as guidance. The floor space factor given as a guide for areas such as common rooms, dining rooms and staff rooms etc is 1.0m<sup>2</sup> per person. More specific fire safety legislation will also apply – e.g. sufficient number of exits and escape route sizing.

**Weather:** In addition to ensuring facilities are at an appropriate temperature they should also provide adequate protection from adverse weather such as rain or shade.

**Ventilation:** Rest rooms and rest areas should be adequately ventilated. Such ventilation may be natural (windows or other openings to outside air) or if necessary, provided by mechanical means. Further general requirements relating to workplace ventilation are contained in the *ACOP to WHSWR regulation 6*.

**Lighting:** Rest rooms and rest areas should have suitable and sufficient lighting, which should so far as is reasonably practicable, be by natural light. CIBSE recommending lighting levels for rest areas is 150 lux with restaurants and canteen areas recommended to be 200 lux. Further guidance is contained in the *ACOP to WHSWR regulation 8* and *HSG38 Lighting at work*.

**Clean Air:** Smoking / vaping should be prohibited in rest rooms and rest areas. Any area where this is permitted should be sited, where possible, far enough from rest facilities to prevent smoke getting into them, considering doors and windows that may open. Toilets should also be a sufficient distance away that offensive odours do not enter the rest area.

**Storage Free:** Rest rooms and rest areas should not be used to store plant, equipment or materials and should be kept clean and tidy.

• **Readily accessible places:** As for changing rooms in 6.1 above, rest areas should ideally be located in a conveniently accessible place on the site close to associated facilities. This will encourage their use, minimise any spread of contamination and enable the required personal hygiene to be taken care of before eating or drinking.

While this may be easier to achieve on larger sites, it may not always be proportionate on smaller / transient sites. As rest breaks can be planned into the work day, it may be appropriate for a dutyholder to use a central local base, which workers visit by vehicle at agreed times. In some limited situations the use of local facilities for rest may be appropriate provided they meet the required criteria, are always available during the working period and, as per the WHSWR ACOP, there is no obligation to purchase food etc in order to use them.

Where any significant travel is required, account also needs to be taken of the *Working Time Regulations 1998. Regulation 12* places specific requirements on rest breaks. An adult worker who's daily working time is more than six hours is entitled to an uninterrupted rest break of not less than 20 minutes away from work (subject to the provisions of any applicable collective agreement or workforce agreement). A young worker who's daily working time is more than 4 and a half hours is entitled to a rest break of at least 30 mins away from work, which should be consecutive if

possible. Therefore, additional rest 'travel time' will need to be given to workers to ensure that this does not impact on the statutory duration of the rest break.