

Version No. 001
**Occupational Health and Safety (Manual
Handling) Regulations 1999**

S.R. No. 84/1999

Version as at 1 July 1999

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PART 1—PRELIMINARY

1. Objective

The objective of these Regulations is to reduce the number and severity of musculoskeletal disorders associated with tasks involving manual handling.

2. Authorising provision

These Regulations are made under section 59 of the **Occupational Health and Safety Act 1985**.

3. Commencement

- (1) These Regulations, other than Part 3, come into operation on 1 July 1999.
- (2) Part 3 of these Regulations comes into operation on 1 July 2000.

4. Revocation

The Occupational Health and Safety (Manual Handling) Regulations 1988¹ are **revoked**.

5. Definitions

In these Regulations—

"application of high force", in relation to manual handling, means the use of such force that it would be reasonably expected that either most persons in the workforce, or the persons likely to undertake the activity, would have difficulty in undertaking the

activity and includes the force required to lift or otherwise handle heavy weights, to push or pull objects which are hard to move, to operate tools designed for one hand if two hands are required and to operate tools which require squeezing of grips that are wide apart;

"hazard" means the potential to cause injury,

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illness or disease;

"manual handling" means any activity requiring the use of force exerted by a person to lift, push, pull, carry or otherwise move, hold or restrain any object;

"hazardous manual handling" has the meaning given in regulation 13(2);

"musculoskeletal disorder" means an injury, illness or disease that arises in whole or in part from manual handling in the workplace, whether occurring suddenly or over a prolonged period of time, but does not include an injury, illness or disease which is caused by crushing, entrapment or cut resulting primarily from the mechanical operation of plant;

"object" includes an inanimate or animate object, plant and any substance or material contained by an object;

"risk" means the likelihood of an injury, illness or disease occurring due to exposure to a hazard.

PART 2—PROVISIONS WHICH APPLY GENERALLY

6. Duties on more than one person

If, under these Regulations, a duty is placed on more than one person, the duty must be undertaken by each person only in relation to those matters in respect of which the person has management or control and whether or not any other person is also responsible for undertaking the duty.

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7. Identification and risk assessment may be for classes or types of tasks involving manual handling

If a person is required under these Regulations to carry out identification or risk assessment of tasks involving hazardous manual handling, that person may carry out the identification or assessment for a class or type of tasks rather than for individual tasks if—

- (a) all the tasks in the class or type are similar;
and
 - (b) the identification or risk assessment carried out for the class or type of tasks does not result in any person being subject to a different risk than if the identification or risk assessment were carried out for each individual task.
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PART 3—DUTIES WHICH APPLY TO CERTAIN DESIGNS

8. Application of this Part

- (1) Subject to sub-regulations (2) and (3), this Part applies—
- (a) to a design for plant which was started on or after 1 July 2000; and
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- (b) to an alteration started on or after 1 July 2000 to a design completed before 1 July 2000; and
 - (c) to a design completed before 1 July 2000 except where—
 - (i) the manufacture of the plant to which the design applies has started before 1 July 2000; or
 - (ii) the designer no longer has control or management of the design.
- (2) A person who is a designer of plant must comply with this Part in relation to a design completed before 1 July 2000 to which this Part applies before the start of manufacture on or after 1 July 2000 of the plant to which the design applies.
- (3) This Part does not apply to plant that is manufactured or ordered before 1 July 2000.

9. Certain duties of designers, manufacturers, importers and suppliers

- (1) A person who designs, manufactures, imports or supplies any plant for use at a workplace must ensure that any risk of musculoskeletal disorder occurring when the plant is properly used at a workplace—

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- (a) is eliminated; or
 - (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.
- (2) For the purposes of this regulation, any plant is not to be regarded as properly used where it is used without regard to any relevant information or advice that is available relating to its use.

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- (3) In this regulation, "**used**" includes handled, maintained, serviced, repaired, inspected and cleaned.
 - (4) A failure to comply with this regulation is an indictable offence.
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PART 4—DUTIES OF EMPLOYERS

10. Compliance with this Part

- (1) Subject to this regulation, an employer must comply with this Part as soon as practicable on or after 1 July 1999.
- (2) An employer who has complied with the risk
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assessment requirements under regulation 6 of the Occupational Health and Safety (Manual Handling) Regulations 1988 is deemed to have complied with regulations 13 and 14 of these Regulations in respect of a task involving hazardous manual handling, provided that the risk assessment has assessed the risk of a musculoskeletal disorder affecting an employee occurring as a result of that task.

- (3) An employer who has complied with risk control requirements under regulation 8 of the Occupational Health and Safety (Manual Handling) Regulations 1988 is deemed to have complied with regulation 15 of these Regulations, provided that the risk control measures in place control the risk of a musculoskeletal disorder affecting an employee occurring.
- (4) If sub-regulation (2) applies, an employer must comply with the duty under regulation 14(4) and record the risk assessment conducted under the Occupational Health and Safety (Manual Handling) Regulations 1988 to the extent reasonably possible.
- (5) This regulation does not limit the employer's obligation to comply with these Regulations if the risk assessment or risk control measures

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undertaken under the Occupational Health and Safety (Manual Handling) Regulations 1988 are no longer adequate to control the risk of a musculoskeletal disorder affecting an employee occurring.

11. Duty of employer to independent contractor and other related duties

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For the purposes of this Part—

- (a) **"employee"** includes an independent contractor engaged by an employer and any employees of the independent contractor; and
- (b) the duties of an employer under this Part extend to such an independent contractor and employees of the independent contractor, in relation to matters over which the employer—
 - (i) has control; or
 - (ii) would have had control but for any agreement between the employer and the independent contractor to the contrary.

12. Employer to consult health and safety representative in certain circumstances

An employer must, if practicable, when undertaking in accordance with these Regulations—

- (a) identification or risk assessment of a task, or a class or type of tasks, involving hazardous manual handling; or
- (b) control of risk—

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which relate to a task involving manual handling that may affect the health or safety of any member of a designated work group, consult with that group's health and safety representative about the identification, risk assessment or control of risk, as the case may be.

13. Duty of employer to identify tasks involving hazardous manual handling

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- (1) An employer must ensure that any task undertaken, or to be undertaken, by an employee involving hazardous manual handling is identified.
- (2) In these Regulations, "**hazardous manual handling**" means—
- (a) manual handling having any of the following characteristics—
 - (i) repetitive or sustained application of force;
 - (ii) repetitive or sustained awkward posture;
 - (iii) repetitive or sustained movement;
 - (iv) application of high force;
 - (v) exposure to sustained vibration;
 - (b) manual handling of live persons or animals;
 - (c) manual handling of unstable or unbalanced loads or loads which are difficult to grasp or hold.
- (3) Without affecting the generality of sub-regulation (1), an employer must ensure that any task involving hazardous manual handling is identified —
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- (a) before any task involving manual handling is undertaken for the first time in a workplace;
- (b) before any alteration is made to objects used in a workplace or to systems of work which include a task involving manual handling, including a change in the place where that task is carried out;

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- (c) before an object is used for another purpose than for which it was designed if that other purpose may result in the person carrying out hazardous manual handling;
 - (d) if new or additional information about hazardous manual handling being associated with a task becomes available to the employer;
 - (e) if an occurrence of a musculoskeletal disorder in a workplace is reported by or on behalf of an employee.

14. Duty of employer to undertake risk assessment

- (1) If a task involving hazardous manual handling is identified in accordance with regulation 13, an employer must ensure that an assessment is made to determine whether there is any risk of a musculoskeletal disorder affecting an employee occurring as a result of that task.
- (2) The employer must ensure that the assessment takes into account the following factors associated with carrying out the task being assessed—
 - (a) postures adopted;
 - (b) movements undertaken;
 - (c) forces exerted;

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- (d) environmental conditions, including heat, cold and vibration, that act directly on the person carrying out the task;
 - (e) the duration and frequency of the task.
- (3) The employer must ensure that a risk assessment is reviewed and, where necessary, revised, or that another risk assessment is carried out if, as a result

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of any of the circumstances referred to in paragraphs (b) to (e) of regulation 13(3) or for any other reason, the firstmentioned risk assessment does not adequately assess the risk of a musculoskeletal disorder affecting an employee occurring as a result of the relevant task.

- (4) If a risk assessment carried out in accordance with this regulation determines that there is a risk of a musculoskeletal disorder affecting an employee occurring, the employer must ensure that the methods used to assess the risk and the results of the assessment are recorded and retained until a new risk assessment is required to be carried out in accordance with this regulation or until the task is no longer undertaken.

15. Duty of employer to carry out risk control

- (1) An employer must ensure that any risk of a musculoskeletal disorder affecting an employee occurring—
- (a) is eliminated; or
 - (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.
- (2) The employer must not use information, training or instruction in manual handling techniques as the sole or primary means of controlling risk

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unless the following ways of controlling risk are not practicable—

(a) altering—

- (i) the workplace, or environmental conditions, including heat, cold and vibration, where the task involving manual handling is carried out; or

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- (ii) the systems of work used to carry out the task involving manual handling;

- (b) changing the objects used in the task involving manual handling;
 - (c) using mechanical aids.
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PART 5—DUTIES OF EMPLOYEES

16. Employee to co-operate with employer in respect of certain obligations of employer

While at work an employee must co-operate with his or her employer with respect to any action taken by the employer to comply with any

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requirement imposed upon the employer by regulations 13, 14 and 15.

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ENDNOTES

1. General Information

The Occupational Health and Safety (Manual Handling) Regulations 1999, S.R. No. 84/1999 were made on 29 June 1999 by the Governor in Council under section 59 of the **Occupational Health and Safety Act 1985**, No. 10190/1985 and came into operation as follows:

All of Regulations (*except* Part 3) on 1 July 1999: regulation 3(1); Part 3 on Part 1—Preliminary

Endnotes

1 July 2000: regulation 3(2).

The Occupational Health and Safety (Manual Handling) Regulations 1999 will sunset 10 years after the day of making on 29 June 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

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2. Table of Amendments

There are no amendments made to the Occupational Health and Safety (Manual Handling) Regulations 1999 by statutory rules, subordinate instruments and Acts.

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Endnotes

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3. Explanatory Details

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Endnotes

¹ Reg. 4: S.R. No. 298/1988.