

• *Overcrowding*

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THE LAW

Regulation 10 of the Workplace Health, Safety, and Welfare Regulations requires every workroom to have sufficient floor area, height, and unoccupied space to ensure health, safety, and welfare. The associated Approved Code of Practice (ACOP) requires enough space for people to move freely and with ease to workstations and within rooms, with each room (excluding meeting rooms, lecture halls, and kiosks, etc.) having at least 11 cubic metres per person.

Note for the purposes of doing this calculation, ceiling height is only counted up to a maximum of 3 metres. Also note that 11 cubic metres is the bare minimum and may be insufficient depending on the room layout and furniture, etc. within the room.

Employers must implement the ACOP and if prosecuted will be found guilty unless they can demonstrate that they have implemented the regulation in some other way.

The Health and Safety Executives guidance to this regulation confirms that sufficient unoccupied floor space is required which 11 cubic metres may not give. Rooms may need to be larger or have fewer people working in them depending on the room layout, the type of work, and what else is stored in them.

Sections 2(2)(d) of the Health and Safety at Work Act requires the provision and maintenance of access to and egress from a place of work which is safe and without risks.

Under the Management of the Health and Safety at Work Regulations employers must assess the risks of hazards (including overcrowding) to employees health and safety and take reasonably practicable steps to prevent or control (where prevention is not possible) any risks identified.

BRANCH ACTION

First check that there is 11 cubic metres per person (where applicable). When doing this calculation only count the room height up to the maximum of 3 metres (room: width x length x height (to 3m max.) ÷ number of persons). No one benefits from a 10 metre high room if at floor level the place is overcrowded. Perhaps get staff to do their own calculation and let you know.

Even if there are 11 cubic metres per person remember that this is the bare minimum and may not be sufficient. Do furniture or work materials, etc. occupy most of the space? Does the room layout or shape mean that part of the room cannot be used? Remember that the Regulation requires sufficient unoccupied space to ensure health, safety, and welfare; plus the Act specifies risk free/safe access to and egress from the workplace.

Have a look at the accident book. Do the entries suggest that there is insufficient space? Are there many incidents of people walking into the corners of desks or tripping over items, etc. The accident book can be a valuable source of information so it is important to ensure that members and workers, etc. report all incidents including near-misses.

Consider speaking to the workers, perhaps during a workplace safety inspection focusing on any evidence of overcrowding. Alternatively, conduct a survey of staff. Questions could focus on: whether they have had any accidents or near-misses which could be related to overcrowding, whether they lack storage space, whether they have sufficient space to conduct their work properly and safely, and whether they have been experiencing symptoms of sick building syndrome?

If overcrowding is a problem, ask your employer for their risk assessment on the hazard, or get them to conduct one. It may be necessary to get the different types of work undertaken risk assessed separately, since the potential risks and solutions may vary dramatically depending on the nature of work.

Fire legislation and fire risk assessing must also be considered. There are specific requirements regarding the size and routes of corridors, and walkways within offices (between furniture, etc) which would be used as a means of escape in the event of a fire. The Display Screen Equipment Regulations require workstations to be risk assessed to prevent/control any risks and to provide sufficient space for the worker to change position and vary movements. Whether provisions under the Disability Discrimination Act apply should also be considered.