



Film Artistes Association

WORKPLACE TEMPERATURE AND WEATHER GUIDANCE FOR SUPPORTING ARTISTES

This guidance provides a brief outline of the legal requirements under the Health and Safety Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.

The 1992 Workplace Regulations cover a wide range of basic health, safety and welfare issues and apply to most workplaces (indoor or outdoor premises), which include the common parts of shared buildings, private roads and paths on industrial estates and business parks, and temporary worksites (construction sites are excluded). The regulations also cover any 'work' done by an employee or self-employed person (or workers).

<p>HEALTH AND SAFETY AT WORK ACT 1974 (HSAWA 1974)</p>	<p>Section 2 Duty of Care</p> <p>'It shall be the duty of the employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all of his employees.'</p> <p>Under the Act, employees also owe health and safety duties to themselves and each other (see below).</p> <p>Section 3 covers non-employed people:</p> <p>'It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.'</p> <p>Section 4 extends the duty of care to people who use the premises for work. Those premises and the means of entry and exit, must be as far as reasonably practicable, safe and without risks to health.</p>
<p>THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999</p>	<p>Risk assessment</p> <p>Regulation 3 requires employers to carry out a "suitable and sufficient" assessment of any risks to the health and safety of employees and non-employees.</p>
<p>THE WORKPLACE (HEALTH, SAFETY AND WELFARE) REGULATIONS 1992 (WHSWR 1992)</p>	<p>Reasonable Workplace Temperature</p> <p>Regulation 7 places a legal obligation on employers to provide a 'reasonable' temperature in the workplace during working hours, and for most aspects of the working environment, and covers any 'work' done by an employee or self-employed person.</p> <p>The Workplace Regulations further expand on these duties and aim to</p>

	ensure that workplaces meet the health, safety and welfare needs of all members of a workforce, including people with disabilities.
THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999	<p>Regulation 16 requires employers to consider risks to new or expectant mothers.</p> <p>Regulation 19 requires employers to consider risks to young people. There are explicit requirements for employers to consider extremes of cold or heat, among other risks.</p>
HEALTH AND SAFETY EXECUTIVE APPROVED CODE OF PRACTICE (ACOP) AND GUIDANCE TO THE WORKPLACE (HEALTH, SAFETY AND WELFARE) REGULATIONS 1992	<p>Minimum Workplace Temperature</p> <p>The ACOP provides that the minimum temperature in an indoor workplace should provide reasonable comfort and normally be at least 16 degrees Celsius. Where the work involves rigorous physical effort, the temperature should be at least 13 degrees Celsius.</p> <p>These temperatures are not absolute legal requirements and may not provide reasonable comfort, depending on the circumstances in the workplace. The employer can only deviate from the minimum temperatures contained in the ACOP where they have determined that it will provide reasonable comfort in the particular circumstances. There are no maximum or minimum temperatures for work that takes place outdoors. Employers must nevertheless ensure that the temperature is reasonable and take steps to address it if it is not.</p> <p>Higher Workplace Temperature</p> <p>Although a definitive figure cannot be given at the upper end of the scale due to high temperatures found in certain workspaces, it is still possible to work safely provided appropriate controls are present or taken. Factors other than air temperature such as radiant temperature, humidity, and air velocity, need to be taken into account and they can be significant and the interaction between them become more pertinent with rising temperatures.</p>

RISK ASSESSMENT

The **Health and Safety at Work Act** requires employers to protect workers from harm, in so far as is reasonably practicable. The very broad duty is supplemented and specified in a range of regulations.

Under the Act, the **duties of employees (or workers)** are to:

- Use equipment in accordance with training and instruction
- Take reasonable care of their own health and safety and the safety of anyone affected by their work
- Co-operate with their employer in meeting their legal obligations

The **Management of Health and Safety at Work Regulation** build on the general duty in the Health and Safety at Work Act, requiring employers to plan the preventative steps required to maintain a safe and healthy workplace.

These Regulations require employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees and non-employees, and to take action where reasonably practicable ...

The aim of a risk assessment is to work out how to control or eliminate the hazards identified. The temperature of the workplace is one of the hazards that employers should address to meet their legal obligations. Employers should consult with employees or their representatives to establish sensible means to control high temperatures or environmental conditions that could cause harm.

It is a good idea for an employer to carry out a risk assessment and implement remedial steps in respect of the results of that assessment, if a significant number of people complain about 'thermal discomfort'. 'Thermal comfort' describes a person's state of mind in terms of whether they feel too hot or too cold.

Under the **Management of Health and Safety at Work Regulations**, the main **duties of employer** are to:

- Undertake risk assessment to identify health and safety hazards
- Action and implement health and safety measures to minimise the identified hazards where reasonably practicable
- Ensure there is a system in place to monitor and review the control measures, which may include ensuring regular checks are carried out
- Determine the procedures required to manage 'serious and imminent danger'

The 1999 Regulations also set out other specific duties concerning health and safety assistance and arrangements for emergencies, for example an evacuation procedure should be in place in the event of a fire or other emergency situations, and advice should be available on how and when an employee (or worker) should contact the emergency services.

Sanitary conveniences and washing facilities, and drinking water

Under the Workplace (Health, Safety and Welfare) Regulations, employers must provide suitable and sufficient sanitary conveniences, washing facilities, drinking water, clothing accommodation, changing facilities and facilities for rest and eating meals (regulations 20–25). At temporary work sites, these requirements apply so far as reasonably practicable.

Safe workplace at premises under the control of third parties

People who work at premises other than those of their employer should have a safe place of work where those premises are under the control of their employer or other people. Section 4 of the HSAWA also requires those in control of non-domestic premises to ensure visiting workers are safe and not subject to risks from plant or substances at that place of work.

Confined spaces

If work takes place in a substantially or totally enclosed space and (among other non-temperature related risks) someone working in there may lose consciousness due to an increase in their body temperature, then the requirements of the Confined Spaces Regulations 1997 also apply.

Employers must carry out a risk assessment to work out whether a space is “confined” under these regulations. If this identifies a confined space, the risk assessment must establish whether it is possible to carry out the work without entering it.

Where this is not reasonably practicable, the employer must establish a safe system of work for the confined space, drawing on the information in the risk assessment. It is good practice for this safe system of work to form the basis of a permit to work system for entering the confined space.

For more information on confined spaces, see the HSE’s Safe work in confined spaces ACOP:

<http://bit.ly/hse-confined-spaces>

WORKING IN COLD OR HOT ENVIRONMENTS WET, INCLEMENT OR ADVERSE WEATHER CONDITIONS (NATURAL OR ARTIFICIAL)	
WHAT HEALTH AND SAFETY MEASURES SHOULD BE TAKEN?	<p>It is essential to have reasonable temperatures to work in if accidents and ill health are to be avoided. The temperature and conditions of the workplace should be assessed as potential hazards at the workplace in order to meet the legal obligations under the applicable Health and Safety laws and regulations.</p> <p>In brief, all safety measures must be taken to keep workplace temperatures reasonably warm in cold weather (minimising draughts), and reasonably cool in hot weather (ensuring good ventilation). What is ‘reasonable’ temperature will vary according to factors such as the physical activity involved and type of costume worn; and the workplace, rehearsal and rest areas should be at an acceptable or reasonable ambient temperature.</p> <p>Employees and workers, or their representatives, should be consulted to establish sensible means to control the hot and cold temperatures, and with the wet or inclement weather conditions (natural or artificial) at the workplace.</p>
REASONABLE WORKING TEMPERATURE	<p>The ACOP provides that a reasonable indoor working temperature should normally be:</p> <ul style="list-style-type: none"> ▪ At least 16°C, or ▪ 13°C if the work involves rigorous physical effort <p>No one should be working under the following conditions:</p> <ul style="list-style-type: none"> ▪ A very cold or hot workplace, or ▪ Wet, inclement, or adverse weather conditions (natural or artificial).

<p>MANAGING WORKPLACE TEMPERATURES</p>	<p>Preventative measures to be taken:</p> <ul style="list-style-type: none"> ▪ Do a risk assessment to identify, control or eliminate the potential hazards to ensure that no one works in unsafe or unhealthy conditions or environment. ▪ Assess and monitor the effects of workplace temperature (indoors or outdoors) and the normal operating temperature of the workplace environment to maintain the 'thermal comfort' of persons working there ▪ Determine what the reasonable comfort will be in the particular circumstances, and take into account <ul style="list-style-type: none"> ➢ the indoor or outdoor air temperature ➢ the wind chill factor, heat, or other inclement weather conditions (natural or artificial) ➢ strong winds, extreme heat or rain (natural or artificial) can make it feel bitterly cold, hot, or wet in the open air, which make the workplace 'unsafe'
<p>Indoor Workplaces</p>	<p>Ensure:</p> <ul style="list-style-type: none"> ▪ A 'reasonable' working temperature for the health and safety at the workplace ▪ The welfare of persons at the workplace is protected ▪ Provide warm and dry mobile facilities and sufficient space in workplaces ▪ Improve local heating or cooling e.g., making best use of heaters, fans, opening or closing windows ▪ Ensure heating systems do not give off dangerous or offensive fumes into the workplace ▪ Provide appropriate and sufficient protective clothing, including blankets or thermal clothing, hand, body or feet warmers for use in cold environments ▪ Provide regular hot drinks or hot soups in cold conditions, or cold drinks or water in hot conditions to prevent dehydration ▪ Provide breaks and rest facilities where necessary ▪ Introduce safe systems of work to limit exposure, e.g., flexible working patterns, job rotation etc.
<p>Outdoor Workplaces</p>	<p>Consider:</p> <ul style="list-style-type: none"> ▪ The outdoor working conditions and the effects of the weather in this environment can potentially have a very serious impact on the welfare of persons working there ▪ Avoid unnecessary exposure to extreme heat, the sun; or cold, wet, or wintry conditions ▪ The immediate or long-term impact of the weather conditions, for example: <ul style="list-style-type: none"> ➢ exposure to the cold, wind or rain can cause hyperthermia and illness ➢ exposure to the sun can cause skin damage, including sunburn, blistering and skin ageing and in the long term can lead to an

	<p>increased risk of skin cancer</p> <ul style="list-style-type: none"> ▪ Provide umbrellas, and sun protection lotion when working under the sun, heat, or hot environments ▪ Provide appropriate and sufficient protective clothing, blankets, hand, body and feet warmers when working in cold environments ▪ Allow breaks in the shade or warm areas as appropriate, and more frequent rest breaks ▪ Schedule work to warmer or cooler times of the day as appropriate ▪ Provide hot or cool drinks and water to prevent dehydration
<p>Working in Hot or Cold Environments</p>	<p>Identify and assess the risks to health and safety from proposed or current working practices.</p> <p>Develop precautionary measures to protect every person working at the workspace. Provide clear and easy to understand information so they know how to do the work safely and what to do in an emergency.</p> <p>Monitor the ‘thermal comfort’ of persons working in the hot or cold workplace, in terms of whether they feel too hot or too cold, and take steps to prevent it damaging people’s health.</p> <p>Provide suitable and sufficient protective equipment, blankets, hand, feet or body warmers etc. to manage the ‘thermal conditions’ of all supporting artistes working at the workplace.</p> <p>Consider whether the work can be delayed and undertaken at cooler or warmer times of the year that won’t compromise the health, safety, and wellbeing of persons at the workplace.</p> <p>Provide First Aid in the event of heat or cold stress occurring.</p> <p>Educate everyone about recognising the early symptoms of hot or cold stress, how to report it and simple things they can do to avoid it.</p> <p>Hot Workplaces</p> <p>Preventative measures should be taken to:</p> <ul style="list-style-type: none"> ▪ Ensure good ventilation e.g., open windows and doors ▪ Use air-conditioning or air-cooling equipment, e.g., desk, pedestal, or ceiling-mounted fans ▪ Provide umbrellas or sun cream to protect from direct sunlight, and to reduce the heating effects of the sun or objects that radiate heat e.g., lighting equipment or machinery ▪ Allow sufficient breaks to get cold drinks or cool down ▪ Additional facilities, e.g., cold water dispensers (water is preferable to caffeine or carbonated drinks) <p>Cold Workplaces</p> <p>Steps should be taken to:</p> <ul style="list-style-type: none"> ▪ Provide adequate workplace heating, e.g., portable heaters ▪ Reduce draughts and minimise exposure to cold areas ▪ Provide appropriate and sufficient personal protective equipment, blanket, hand, foot or body warmers ▪ Allow sufficient breaks for hot drinks or soups and to warm up in

- heated areas
- Provide personal protective equipment for use

PREVENTATIVE MEASURE FOR VERY HIGH OR LOW WORKING TEMPERATURES

- Seek specialist advice if working in very high or low temperatures, for example on heat stress, dehydration, or cold stress.
 - Review risks of any thermal discomfort, complaints and/or reports of illnesses that may be caused by the thermal environment
 - Take necessary steps and appropriate controls to manage the risks
 - Monitor the thermal conditions and record it as part of your risk management programme
 - Health surveillance or medical screening may be required for staff, especially when working in temperature extremes, who have special requirements due to:
 - Pregnancy
 - Certain illnesses, or disabilities
 - Taking medication
 - Medical advice should be sought if necessary
 - Review working habits and current practices periodically, and change them where necessary to control the risks
 - Provide appropriate protective equipment for use
 - Provide where necessary warm and dry mobile facilities
 - Ensure regular hot or cool drinks are available
 - Rest breaks should be more frequent, and long enough to allow employees or workers to cool down or warm up properly.
 - When it comes to personal protective equipment (PPE) remember that feet and toes are particularly susceptible to cold injury
 - Appropriate protection from the sun, heat, cold (or wet) conditions; and protection of the hands is also important not only to prevent injury, but also to maintain dexterity and prevent accidents
- Consult persons working at the workplace on anything that may harm or affect their health and safety, including proposals for any organisational or procedural changes, or new technologies
- Members should seek support from their union where necessary

RIGHT TO REFUSE TO WORK WHEN THERE IS WORKPLACE DANGER

Under s.44 ERA96, workers have the right not to be subjected to a detriment because of refusing to work where they reasonably believe there is serious and imminent danger. A worker would need to show that:

- They *reasonably believe* the danger to be *serious and imminent*. It is important to consider the nature of the danger, and whether it was reasonable for a worker to believe there is such a

serious and imminent danger. The emphasis on the employee's belief being reasonable will be a key factor. And...

- They *could not avert the danger*. If the worker could avoid or control the risk then they may not succeed in a case. And...
- They *left, proposed to leave, or refused to attend* the workplace. Merely raising concerns would not be enough to meet this test.

These cases are very 'fact sensitive' and will depend on the individual circumstances of the worker and workplace.

For more info: <https://www.legislation.gov.uk/ukpga/1996/18/section/44>

If you think the workplace conditions are too hot, too cold, or too wet, i.e., unreasonable, then you should promptly raise this health and safety workplace issue with the On-Set Crowd Second AD and your agent in the first instance. If no remedial measures are taken by them, then please contact your BECTU officials for advice and/or to report it.

You can also contact the Health and Safety Executive (HSE) for more information on workplace temperature issues.

More information can be found here:

- <https://www.hse.gov.uk/temperature/law.htm>

All productions must:

- risk assess the environment
- have an accident book and use it to record all accidents and injuries
- report injuries, diseases, and dangerous occurrences (RIDDOR) to the HSE:
<https://www.hse.gov.uk/contact/concerns.htm>