

# Understanding Quarries Regulation 40 - Workforce Engagement

The Quarries Regulations 1999 sets out in law the basic responsibilities involved in running a quarry. Regulation number 40 deals specifically with Participation of Persons at Work and this factsheet looks at what Regulation 40 says and how you should go about fulfilling those legal requirements.

## What is it?

Regulation 40 sets out the legal minimum standards but it should be noted that there is more that you can do to engage with your team to develop a productive, safe and profitable working culture.

Let's start by looking at what it actually says in the Regulations:

### ***Participation of persons at work***

*40 (1) It shall be the duty of the operator to make and maintain arrangements which will enable him and those persons who regularly work at the quarry to co-operate effectively in promoting and developing measures to ensure the health, safety and welfare of persons who regularly work at the quarry and in checking the effectiveness of such measures.*

*(2) For the purposes described in paragraph (1), a committee of persons with suitable practical experience of quarrying operations may be appointed for the quarry —*

*(a) in a case where there is an association or body representative of a majority of the total number of persons working at the quarry, by that association or body; or*

*(b) jointly by associations or bodies which are together representative of such a majority.*

*(3) Where an injury or dangerous occurrence which is notifiable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(13) occurs at a quarry, the operator shall permit two*

*members of the committee appointed under paragraph (2) to inspect together the place where the injury or dangerous occurrence occurred and, so far as is necessary for ascertaining its cause, any other part of the quarry and any plant, and to take samples of the atmosphere, dust or water at that place.*

*(4) The operator of a quarry shall permit sufficient inspections to be carried out by members of the committee appointed under paragraph (2) to enable every part of the quarry and any plant and equipment at the quarry to be inspected once a month by two of those committee members together.*

*(5) The operator of a quarry shall permit members of a committee appointed under paragraph (2) who are carrying out an inspection under paragraph (4) to —*

*(a) scrutinise any documents which are kept at the quarry in compliance with the relevant statutory provisions;*

*(b) review the risk assessment referred to in regulation 7(1)(a) and the measures referred to in regulation 7(1)(b) and to suggest improvements thereto; and*

*(c) be accompanied by their advisers.*

*(6) The operator of a quarry shall ensure that any improvements suggested under paragraph (5)(b) are considered and, if they are not accepted, written reasons for this are given to the members of the committee who made the inspection.*

*(7) The operator of a quarry and any person nominated by him shall be entitled to accompany the two committee members appointed under paragraph (2) who are carrying out an inspection under paragraph (4) during that inspection.*

*(8) Where any two committee members appointed under paragraph (2) have carried out an inspection under paragraph (4), they may make a written report of the matters ascertained as a result of the inspection and, if such a report is made, the two committee members and the operator or any person nominated by him shall sign the report.*

*(9) Where a written report is made, a copy of the report signed in accordance with paragraph (8) shall be posted in a conspicuous position*

at the quarry and kept posted there for 28 days.

## What does this mean in practice?

QNJAC (Quarries National Joint Advisory Council) advises that:

*"The Quarries Regulations 1999 (QR) are unusual in placing a legal duty on the quarry operator to make arrangements for effective workforce involvement (regulation 40 – R40). It is accepted that it is possible to have this involvement without proper engagement, but the principles contained in R40 are useful tools for active leaders to use in measuring how engaged the workforce are."*

Below is a useful checklist to help you to review your approach to fulfilling your obligations under Regulation 40. Please note that this is only a general guide and that you need to take specific advice to ensure that your legal duties are fulfilled on your site. Also remember that there is much more to Employee Engagement than just fulfilling your basic legal requirements.

### Typical Areas to Consider

#### Communication

What communication systems do you have in place to help all of your people participate in planning, implementing and reviewing safety on site?

Which of the following do you use on site to help with two-way communication about safety and health issues?

- Meetings
- Notice boards
- Supervision sessions
- Toolbox talks and briefings
- Training
- Inspections by workers
- Feedback and suggestion schemes

#### Continuous Improvement

How do people let you know what's working and what's not?

Do people encourage each other to stay safe and to watch out for new hazards?

How do you include:

- Your regular workforce?
- Temporary workers?
- Contractors, hauliers and suppliers?
- Customers and other visitors?

How do you know that other people are 'bought into' what you've put in place?

## Health and Safety

When writing and reviewing the site's main health and safety documents, do you:

- Involve workers and others in risk assessment, making rules, planning safe systems of work?
- Consult your workforce to find out how they feel about rules, safety systems and different work areas?
- Consider everyone who should be involved in reviewing whether those safe systems are working?

Have you got a Health & Safety Committee in place?

- Are the people on the Committee suitably qualified, knowledgeable, experienced?
- Does everyone know what the Committee is there for?
- If you have trade unions on site, are they represented on the committee?
- Are meetings run properly with agendas and notes?
- Is the committee effective at picking up issues and making improvements?
- Is the Committee properly supported?
- Does it have the time and space to conduct proper meetings?
- Are its outcomes listened to and actioned?
- How well are health issues covered, as well as safety issues?

If you don't use a Health & Safety Committee, what do you have in place that allows you to fulfil what a Committee would do?

- How are members of your workforce encouraged and supported in taking time out to review health and safety arrangements?
- How do you know this is working?

Do members of the Health & Safety Committee carry out site inspections?

- Have they done so for any incident that has happened?
- Do inspections cover every part of the site?

Have the site's Health & Safety Documents, including risk assessments, been reviewed by the Committee?

- What improvements have they come up with?
- Have these been actioned? If not, why not – and do they know why this is?
- Are they able to access specialist advice if they need it?
- Is any of this not working, indicating that you might need to make changes?

What happens to inspection reports that the Committee have written?

- Are the results of inspections made available to everyone else on the site?
- Is there a site noticeboard, for example, that is the place to host such reports?
- Is the noticeboard kept tidy and up to date?
- How do you know that improvements and new working methods have been learned and adopted by the workforce, including contractors and visitors etc?

## Why is it important to me?

Effective workforce engagement is a powerful means of driving great performance in any business. What the Quarries Regulations do in Regulation 40 is set out specific ways in which the workforce should be involved in quarries to ensure that minimum health and safety standards are being met.

QNJAC defines an engaged workforce as:

*... one which collectively and in collaboration with the organisation within which it works, seeks to perform to the highest standards.*

Understanding a little more about the ins and outs of employee engagement and looking at how successful organisations create and sustain a culture with an engaged workforce can give you powerful insights into getting better results from your team.

## Standards & Professionalism Factsheets

[www.quarrying.org](http://www.quarrying.org)



IQ believes that understanding the requirements placed upon you under the Quarries Regulations is vital for professionals working in the quarrying and minerals products industry. It features on our **Skills Wheel** which captures all the key skill and knowledge areas we believe are vital to successful career development in the industry.

## Where Next?

QNJAC has produced a series of helpful guidance notes for people working in quarries. Amongst the range of topics covered is a section on leadership and workforce engagement to assist with implementing Regulation 40. QNJAC guidance can be found at [www.qnjac.co.uk/qnjac-guidance](http://www.qnjac.co.uk/qnjac-guidance)

There are many other websites and organisations who can offer advice about employee engagement. A couple worth looking at are:

Engage for Success: [www.engageforsuccess.org](http://www.engageforsuccess.org)

ACAS: [www.acas.org.uk](http://www.acas.org.uk)

## Institute of Quarrying

IQ supports professionals working within the quarrying and minerals products industry through membership and training. These factsheets are produced across a range of topics to share ideas and best practice. Further information can be found via the resources section on the IQ website [www.quarrying.org](http://www.quarrying.org).