



Health and Safety Breaks

Safety Office Guidance Note for Managers

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1 Health & Safety breaks during the working day

The following guidance note is intended to assist managers in the implementation of Health & Safety breaks during the working day.

All work activities must be subject to suitable and sufficient risk assessment to identify control measures to ensure, as far as is reasonably practicable, the health and safety of workers.

University guidance on how to conduct risk assessments is available at:
<http://www.nottingham.ac.uk/safety/policies-and-guidance/risk-assessment/risk-assessment.aspx>

2 Work environments with extremes of heat and cold

The Workplace Health Safety and Welfare Regulations 1992 define a workplace as *'any premises or part of premises which are not domestic premises and are made available to a person as a place of work, including any place within the premises to which a person has access to whilst at work'. Premises means any place including an outdoor place.*

Where workers are exposed to extreme weather conditions [outdoor work] and or extreme temperatures [e.g. working in a kitchen environment], the risk assessment should define systems of work to ensure that the length of time they are exposed to uncomfortable temperatures/conditions is limited.

Primarily this should be achieved by **task rotation** or allowing staff to access a more reasonable environment to do different work. However where the nature of work does not allow for such rotation, other control measures will need to be considered. These could include:

- Allowing outdoor staff to take hot drinks during very cold weather and/or to take brief breaks indoors.
- Allowing brief breaks in hot sunny weather for staff to get into shade and take on fluids and apply sun screen on a regular basis.
- Allowing breaks in very wet weather to change into to dry clothing if required.

Where breaks are introduced as a Health and Safety measure, then managers must closely monitor and ensure that the breaks are taken. If the **only** appropriate control measure available, as far as is reasonably practicable to ensure the health and safety of workers, is to take a break then this break should be paid.

It is important to note, however, that such a break will relate to the specific role and environment and does not confer a contractual right upon any individual to paid breaks *per se*. Where the relevant working conditions change or an equally suitable alternative control measure becomes available, the University has the discretion to remove the paid Health and Safety break and implement the alternative control measure.

3 Work environments where eating/drinking is forbidden

There are some work environments [e.g. laboratories and workshops] where staff might not be allowed for Health & Safety reasons, to introduce or consume food/drink. In these cases the appropriate measures should be considered and implemented to ensure that these staff can have access to refreshments during their working day. Managers may designate low hazard areas adjacent to laboratories or workshops as areas where food/drink can be consumed. In agreeing to any such request managers should consider the following:

- The presence of any hazardous substance/air borne contaminant [chemical, vapour, fibre, dust] that may be present in the area or in and adjacent area through which food/drink may be transported [e.g. offices directly off laboratories]
- The ability of staff to remove protective equipment [e.g. lab coats, gloves] and the availability of hand washing facilities to encourage staff to wash hands prior to eating or drinking.
- Any extreme environmental conditions that might arise in the area and necessitate the control measures outlined in section 2 above.

4 Pregnant women and new mothers

Employers are required to assess risks to all their employees and to do what is reasonably practicable to control those risks. They must include any hazards/risks to new and expectant mothers when conducting this risk assessment. The following is taken from the University Policy and will have a bearing on the issue of paid breaks:

- In addition to risks presented by the work activity itself, there are aspects of pregnancy that may impact on the way the individual is able to work. Such aspects including sickness, backache, increasing size, frequent visits to toilet, tiredness, dexterity, agility, balance and comfort. Managers must give consideration to these aspects as circumstances dictate. Changes of work activity or the way in which an activity is carried out may be required.
- Pregnant workers may, at times, suffer from fatigue and other effects, especially during the latter months of the pregnancy. If an expectant mother is in need of rest during the working day, she should be permitted to sit in a suitable and quiet area of the building, e.g. office, vacant meeting room, café, library, etc. Where the need for regular rest periods has a significant impact on work, the Head of School, through HR, may

request an assessment by Occupational Health. This could include whether sickness leave or statutory maternity leave should commence. Further information concerning absence or sickness related to the pregnancy is contained in the University's Personnel Policy relating to Maternity Leave.

- There is no fixed time span for breastfeeding and it may vary considerably. During breastfeeding, the worker must not be exposed to risks that could adversely affect her health or that of the baby. The worker should inform their manager that they are breastfeeding and advice may be sought from Occupational Health.

Any breach of health and safety legislation in relation to new and expectant mothers is considered as automatic sex discrimination.