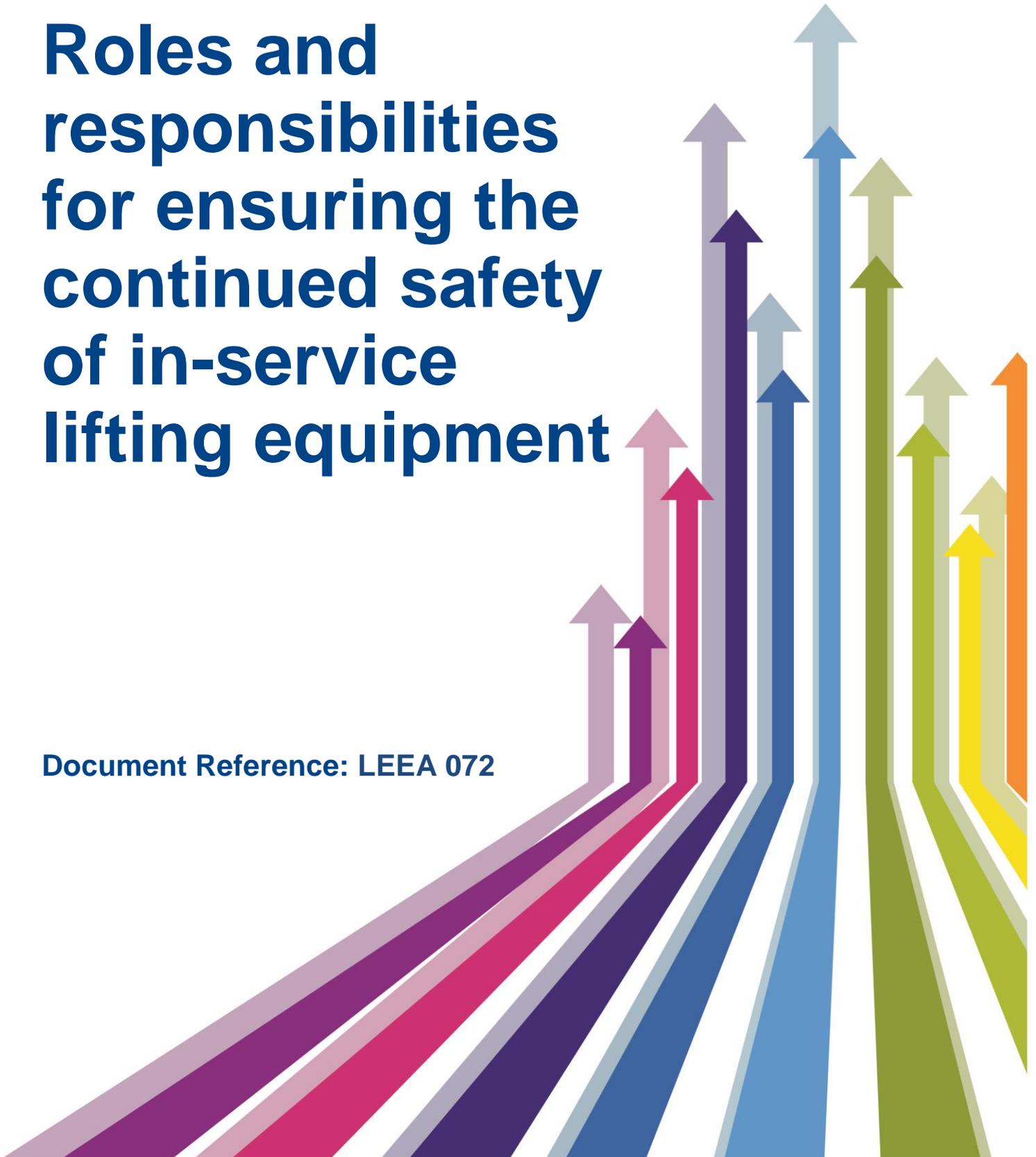


Roles and responsibilities for ensuring the continued safety of in-service lifting equipment

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lifting equipment**

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Every effort has been made to achieve the highest degree of accuracy in the generation of the data and information supplied, but ultimate responsibility for safety must continue to rest with the persons and organisations charged with specific duties in accordance with current legislation.

Published by the
LIFTING EQUIPMENT ENGINEERS ASSOCIATION
3 Ramsay Court, Kingfisher Way
Hinchbrooke Business Park
Huntingdon PE29 6FY
United Kingdom
Tel: + 44 (0) 1480 432801 Fax: + 44 (0) 1480 436314
E-mail: mail@leeaint.com Website: www.leeaint.com

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1.0 Introduction.

LEEA Technical Committee members have raised concerns regarding a lack of understanding by end users of their legal obligations with respect to the use, inspection, maintenance and thorough examination of lifting equipment. To raise awareness and educate end users, the Technical Committee has produced the following guidance.

2.0 Legislation.

The key legislation associated with this document is the Lifting Operations and Lifting Equipment Regulations (LOLER) and the Provision and Use of Work Equipment Regulations (PUWER).

PUWER requires that lifting equipment that is provided for use at work is:

- Suitable for the intended use and meets the essential health and safety requirements of directive 2006/42/EC
- Maintained and inspected at regular intervals to ensure it is kept in a safe condition
- Used by people who have received adequate information, instruction and training

LOLER requires that lifting equipment is thoroughly examined:

- Before putting into service, unless supplied with an EC Declaration of Conformity issued not more than 12 months before the equipment is put into service

When the equipment is in service:

- Every 6 months for people carrying equipment and lifting accessories
- Every 12 months for lifting machines
- After exceptional circumstances
- Alternatively, in accordance with a written examination scheme

This legislation is risk based and goal setting, but in general, safety is maintained by the application of three levels of equipment checking. These are:

1. Pre-use checking - This is normally completed by the operator of the equipment before each use and is a basic check for obvious signs of damage. Typically, the operator will be looking for damage such as dents to protective cases, permanent deformations, abnormal noises or changes in function. Any such findings should be reported to the inspection / maintenance personnel.
2. Routine inspection and maintenance - These two processes are often completed at the same time and are usually undertaken by the inspection and maintenance personnel. Their frequency depends upon a risk assessment, taking into account factors that are likely to result in deterioration of the equipment, such as environmental conditions. The inspections are often limited to critical components that have been identified in the risk assessment. The maintenance personnel must take appropriate action to address any findings made by the inspection personnel that require corrective action.
3. Thorough examination - This is performed by a 'competent person' – i.e. someone who has sufficient theoretical and practical knowledge of the equipment that they are examining in order to identify defects and assess their importance in terms of the continued safety of the equipment. If points 1 and 2 are carried out properly, the thorough examination should not find any defects. If it does, that suggests there is an issue with the inspection/maintenance regime, the competency of the inspectors or maintainers, the product's fitness for purpose, etc. In essence it is a safety net, used to identify inadequacies in the inspection/maintenance regime and thereby provide a means of improvement and prevent recurrence.

The following sections identify the roles and responsibilities of the personnel who would normally be required to ensure the effectiveness of the above.

3.0 Duty holder

The duty holder is the person responsible for the lifting equipment. Usually this is the employer or self-employed person. However, it is important to note that it is not necessarily always the employer; it

may be a building owner, the person in charge of the equipment, or a hire company. The obligations imposed by LOLER and PUWER apply to the duty holder. However, in many cases the duty holder will not possess the necessary skills required to fulfil these obligations. It is therefore acceptable for them to delegate some or all of the obligations to suitably qualified personnel or organisations. If they do this, then it is important to note that this does not absolve them of responsibility, it simply changes the nature of their accountability.

A duty holder who delegates or sub-contracts their legal obligations becomes culpable for ensuring that those undertaking the tasks are suitably qualified, experienced, trained, equipped, etc. In short, that they are competent for their task. This means that they must ensure that employees are assessed and properly trained and provided with the necessary equipment for their role. In terms of external organisations, the duty holder must have procedures in place for vetting their competency.

3.1 Procurement personnel.

Procurement personnel are responsible for selecting equipment that is best suited to the intended application. This requires a specification that includes full understanding of the equipment, environmental conditions of use, required duty, applicable legislation and relevant standards. Consideration should also be given to the general acumen of users of the equipment and any additional training that may be required.

Procurement personnel must be able to produce tenders that accurately identify the minimum performance requirements and be able to identify and reference the most appropriate product safety standards. The equipment shall be selected on its ability to perform safely under all foreseeable conditions of use, as determined by risk assessment, and not just the price.

The procurement personnel should be competent to understand technical specifications and ascertain the fitness for purpose of the equipment by comparing the specification with the risk assessed procurement specification.

It is important to note that Regulation 10 of PUWER makes it clear that the person(s) responsible for taking equipment into any undertaking must ensure that it meets all applicable essential health and safety requirements. This obligation is often fulfilled by ensuring that the correct paperwork is supplied with the equipment, and that the equipment is marked with information required by the appropriate standards and legislation. For further guidance refer to the LEEA-059 series of guides to documentation and marking.

3.2 The lifting equipment examiner

This person must have such practical and theoretical knowledge and experience of the lifting equipment which is to be thoroughly examined that will enable them to detect defects or weaknesses which it is the purpose of the examination to discover and assess their importance to the continued safety of the equipment.

The term 'competent person' has long been used in legislation to describe a suitably knowledgeable and experienced person for a specific task. In the lifting equipment industry it is more commonly associated with the person responsible for the thorough examination of lifting equipment.

The lifting equipment examiner is responsible for thoroughly examining the equipment and identifying defects. They are also responsible for ensuring that any defects found are properly reported to the duty holder with recommendations as to the required corrective actions.

The duty holder is responsible for ensuring that appropriate action is taken to remedy the defect as advised by the lifting equipment examiner. They are also required to investigate the root cause of the problem and implement corrective measures to prevent reoccurrence.

3.3 The inspector

The inspector is responsible for the interim inspections between thorough examinations, as determined by the risk assessment. The risk assessment must take into account the manufacturer's details, the actual utilisation, the environmental conditions of use, etc., to identify critical components and assemblies to be inspected and the intervals between their inspections.

The inspector is therefore responsible for identifying critical components and monitoring them to ensure that they are replaced before they become a danger to persons. This means that they must have a detailed knowledge of the equipment and its application.

It is important that the inspector maintains records of each inspection and ensures that any findings, recommendations or urgent actions are reported to the duty holder and made available to the competent person. The duty holder is responsible for ensuring that appropriate corrective action is taken.

3.4 Maintenance personnel

Maintenance personnel are responsible for repairing faults:

- as and when they occur
- as requested by the inspector or duty holder
- as required by the manufacturer's literature
- or in accordance with a planned maintenance regime defined by the risk assessment

They must have a thorough understanding of the equipment and its components, and an ability to select and use appropriate tools.

They are responsible for ensuring repairs are done effectively using suitable components. In addition, they are required to keep records of repairs, in the form of a maintenance log, and make them available to the inspector and competent person.

3.5 Operators

It is an operator's responsibility to ensure that they use only lifting equipment for which they have received training and in accordance with this training and the manufacturer's literature. They are also responsible for pre-use checking, and reporting to the inspection/maintenance personnel any obvious signs of damage or any changes in the operation of the equipment that may indicate a defect.