

What is the minimum age for operating fork lift trucks?

Fork lift truck operators should be over the minimum school leaving age, which is 16 years old. However, in ports operators must be at least 18 years old.

There are particular definitions of people by age in health and safety law:

- A young person is anyone under 18 years of age
- A child is anyone who is not over compulsory school age. This means they has not reached the official age at which they may leave school, which is generally referred to as minimum school leaving age.

Children below the minimum school leaving age must not be employed in industrial undertakings such as factories, construction sites etc, except when on approved work experience schemes.

Assessment of the risks

Regulation 3 of **The Management of Health and Safety at Work Regulations 1999** (MHSWR) requires employers to make a suitable and sufficient assessment of the risks to the health and safety of employees to which they are exposed whilst they are at work.

MHSWR also states: an employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5) of Regulation 3. Under the Regulations, you have specific responsibilities towards young people:

- To assess risks to all young people under 18 years of age, before they start work.
- To ensure your risk assessment takes particular account of their psychological or physical immaturity, inexperience, and lack of awareness of existing or potential risks.
- To introduce control measures to eliminate or minimize the risks, so far as is reasonably practicable.

If you have not previously employed a young person you should review your existing risk assessment(s) and take into account the specific factors for young people, before they start work with you.

Young people

Young people, those who are under 18 years of age are often exposed to risks to their health and safety when using work equipment due to their immaturity, lack of experience or because they do not recognise existing or potential risks.

Training

You should not allow young people to use high-risk lifting machinery, such as fork lift trucks unless they have the necessary maturity and competence, which includes having successfully completed appropriate training.

However, during training young people may use such equipment if they are adequately supervised.

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Competence

Competence and maturity are not simply a matter of the age of the worker. Training in itself will not ensure competence but it is part of what is required.

The level of supervision needed will depend on how mature the workers are and whether they can work safely without putting themselves or others at risk.

Supervision

Even when they have been trained, young people may need more supervision to make sure that they do not act irresponsibly or take short cuts which put themselves and others at risk.

Law

Employers have a general duty under Section **2 of the Health and Safety at Work etc. Act 1974** (HSW Act) to provide information, instruction, training and supervision to ensure the health and safety of their employees.

Under **The Provision and Use of Work Equipment Regulations 1998** (PUWER) employers are required to 'ensure that all persons who use work equipment (including fork lift trucks) have received adequate training for purposes of health and safety.

Including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken'.

The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) deals with specific hazards/risks associated with lifting equipment and lifting operations.

If you provide lifting equipment (including fork lift trucks) for use at work, or you have control of the use of lifting equipment, you should make sure that every lifting operation involving a lift truck is:

- Properly planned by a competent person. This is usually the operator for most fork lift-truck work, so they should have the appropriate training, knowledge and expertise. For unusual complex tasks or situations, specific risk assessments and planning are likely to be required.
- Appropriately supervised.
- Carried out in a safe manner using suitable equipment.

The Management of Health and Safety at Work Regulations 1999 also place duties on employers for the protection of young persons at work, from any risks to their health or safety which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.

Approved code of practice

The Health and Safety Executive's (HSE) Approved Code of Practice (ACOP) and guidance L117 Rideroperated Lift Trucks gives practical advice to help employers ensure that all operators, even those who use fork lift trucks on an occasional basis, receive adequate training.

Fork lift truck operator training is to be consistent with the standards outlined in ACOP L117.

While ACOP L117 is not law, it has been produced under section 16 of the **Health and Safety at Work etc Act. 1974** (HSW Act) and has special status in law.

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Specialist information

For more information visit the HSE Young people at work website.

UKMHA further guidance

Also see UKMHA Fact Sheets 2, 6, 9, 12, 14, 16, 19, 24 and 28 for further information.

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The information in this Fact Sheet has been assembled and interpreted to give truck owners and users basic guidance on frequently asked questions. Further important information will be given in the quoted reference documents. Responsibility for meeting the safety obligations discussed rests with the employer, and the UKMHA will not accept liability for any problem arising as a result of the content of this document. Technical Bulletins, containing more detailed information and updated as appropriate, are made available free to members of the **UKMHA SAFE USER GROUP**.

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