

# Information notice: Removal, manipulation, circumvention, or failure to install safety features

***Removing, manipulating, circumventing, or failing to install safety features on work equipment can result in serious or fatal accidents and is therefore forbidden.***

## **Definition of «work equipment»**

Work equipment consists of machines, systems, apparatus, and tools used at work. Also included in this definition are products which are not actually used for work but belong to the work environment (e.g., ventilation, heating, lighting, gas detection system, etc.), as well as personal protective equipment (PPE). The terms operating and work equipment are often used synonymously, whereas operating equipment is used more commonly in production and work equipment for administrative business units.

The ETH Zurich as an employer must identify potentially hazardous activities and the health risks associated with such activities. It ensures that the effectiveness of protection measures and safety devices is not impaired and that they are periodically checked. Responsibility for the periodic checks in the respective areas is delegated to the line managers (e.g., research team leaders, department heads, section heads). Occupational safety and health protection are management tasks. Line managers may, in this regard, assign certain tasks to persons with the appropriate training (e.g., Group Safety Reps (GSR), Biosafety Officers (BSO), Laser Officers (LSO)); responsibility, lies with the line manager. SSHE (SGU) employees are specialists in occupational safety and bear the corresponding specialized responsibility, which includes, for example, individual consultations, training and continuing education of staff, drawing up information notices/ documents for accident prevention, on-site visits, analysis of accidents, near-accidents, and material damages.

## Background

Willfully removing, manipulating, failing to install, or circumventing safety features or intentionally installing a safety feature in violation of regulations, is classified according to the Swiss Criminal Code as «a felony or misdemeanor constituting a public danger» and is prosecuted. Negligence can also result in a prison sentence of up to three years or a fine. The employer is required by law to carry out the necessary inspections in order to prevent such behavior in its organization. At the ETH Zurich such checks are principally ensured by the line managers.

## General

For self-built or sourced as well as for maintenance of work equipment, it is possible that safety features have not yet been mounted or removed. In these three phases, it is therefore important to pay special attention to the safety features. Hence, when constructing equipment, it should first be ensured that the correct European product directive(s) and the corresponding harmonized and listed standards are adhered to. When procuring work equipment, the supplied documentation (declaration of conformity, operating instructions, service manual, etc.) must be examined. Should it appear that the necessary safety features have not been mounted, the manufacturer/supplier must be informed of this safety defect promptly and in writing.

Corrective action must be undertaken by the manufacturer/supplier before the equipment is used for the first time. During operation and use, the contact person for «occupational safety» is obligated to periodically check the safety features of the work equipment in his/her area of responsibility and to ensure their maintenance. Maintenance services are documented in writing.

## Legal framework and FCOS publications (Federal Coordination Commission for Occupational Safety)

UVG (Swiss Accident Insurance Act), Art. 82, Obligations of Employer and Employee

VUV (Accident Prevention Ordinance), Art. 3, Employer's Obligations on the Effectiveness and Inspection of Safety Installations

VUV, Art. 7, Delegating Duties to the Employee

VUV, Art. 11.a. Employer's Obligation to Consult Specialists

VUV, Art. 11e Duties of Occupational Safety Specialists

OR (Code of Obligations), Art. 41, General Principle of Liability

StGB (Swiss Criminal Code), Art. 230, Removal or Non-Installation of Safety Devices

FCOS Guideline 6512 «Guideline on Work Equipment»

FCOS Guideline 6508 «Consultation of Occupational Physicians and Other Specialists in Occupational Safety»

## Additional recommendations

SUVA (Swiss Accident Insurance) Checklist, «STOP the Manipulation of Safety Features on Work Equipment»

SUVA 66084.D, «Safety begins with the purchase»

SUVA SBA 140.E, «What are your duties in the field of occupational safety and health protection?»

SUVA 66136.D, «Accountability under Swiss law regarding occupational accidents»

ETH Zurich  
Safety, Security, Health, Environment (SSHE)

Phone: +41 44 632 30 30

[cabs@ethz.ch](mailto:cabs@ethz.ch) →

[www.sicherheit.ethz.ch](http://www.sicherheit.ethz.ch) →

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