



## UNIT-7

## Health and Safety

### Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Appreciate the benefits of prioritising health and safety at work
- ✓ Understand the health and safety obligations of the employer
- ✓ Take reasonable steps to minimise the risk of accident or injury or work

## Unit 7

### Health and Safety at Work

**The Health and Safety Executive (HSE) is the government's health and safety agency.**

In the United Kingdom, the Health and Safety Executive (HSE) is the primary agency in charge of workplace health and safety. The Executive collaborates with local governments to ensure that workplace health and safety standards are met. The HSE is in charge of enforcing health and safety laws in industries such as manufacturing, construction, schools, hospitals, agriculture, and so on, while local governments are in charge of offices, shops, hotels, and catering. Employers can get help and advice from the following organisations:

<https://www.hse.gov.uk/business/index.htm>

#### 1. Legal Requirements

Employers have a number of responsibilities when it comes to workplace health and safety. Under common law, the employer owes a duty of reasonable care to his or her employees. Employers, for example, have a responsibility to ensure the health and safety of their employees. Whether or not an individual worker is injured, failure to comply with health and safety responsibilities can result in criminal charges and fines.

Furthermore, individual directors and managers may be personally prosecuted, fined, or imprisoned as a result of statutory rule violations committed by their company. When a worker is injured as a result of a breach of health and safety legislation, he or she may file a civil claim for damages.

Employers should also be aware of the principle of vicarious liability, which states that an employer is liable for the acts or omissions of its employees and can be held liable if an employee injures someone while on the job, even if the employer did not authorise the act that caused the injury.

Employers doing business in the UK are also required to carry insurance against liability for injuries or diseases suffered by employees while working in the UK. Employers must make a copy of the Certificate of Insurance available to employees, such as on the internet or on a bulletin board.

#### 2. Legislation

**Employers' legal responsibilities**

According to health and safety regulations, businesses must:

- evaluate the risks to employees, customers, partners, and anyone else who might be harmed by their actions;
- plan for effective prevention and protection measures planning, organisation, control, monitoring, and review;
- if they employ five or more people, they must have a written health and safety policy;
- ascertain that they have access to qualified health and safety advice;
- Talk to your employees about the risks they face at work and what you're doing to mitigate them.

Noncompliance with these requirements can have serious ramifications for both businesses and individuals. Fines, imprisonment, and disqualification are among the penalties.

Individual board members may be held liable for health and safety violations.

A health and safety offence committed with the consent or connivance of, or attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the organisation can be prosecuted under section 37 of the Health and Safety at Work etc Act 1974.

Directors cannot avoid a charge of neglect under section 37 by arranging their organization's business in such a way that they are unaware of circumstances that would trigger their obligation to address health and safety violations, according to recent case law.

Fines and imprisonment are possible penalties for those found guilty. In addition, Section 2(1) of the Company Directors Disqualification Act 1986 empowers the court to disqualify a person convicted of a crime involving the management of a company. This includes offences involving health and safety. This power is used at the court's discretion and does not necessitate any additional investigation or evidence.

Individual directors may also be held liable for other related offences, such as gross negligence manslaughter under common law. Gross negligence manslaughter is proven under common law when individual officers of a company (directors or business owners) cause death through their own grossly negligent behaviour. This crime is punishable by a fine of up to \$100,000 and a maximum sentence of life in prison.

## Costs and Benefits

### **Benefits of Good Health and Safety**

Health and safety issues should not be viewed as a regulatory burden; instead, they present significant opportunities. Among the advantages are:

- lower costs;
- decreased dangers;
- reduced employee absenteeism and turnover;
- fewer mishaps;
- the threat of legal action has dwindled;
- a better reputation among suppliers and partners;
- a better reputation among investors, customers, and communities for corporate responsibility;
- Higher productivity as a result of employees being healthier, happier, and more motivated.

### **Costs of Poor Workplace Health and Safety**

The human and financial costs of failing to address health and safety are revealed by HSE statistics:

Every year:

- Work-related illness and injury cost the economy millions of working days.
- Occupational diseases claim the lives of thousands of people each year.
- Approximately one million workers self-report having a work-related illness.
- Hundreds of thousands of workers are injured on the job.
- Almost every working day, a worker is killed.

Additional costs, such as uninsured losses and reputational damage, may be incurred by businesses.

### **Reporting and Auditing**

Formal procedures for auditing and reporting health and safety performance should be in place for larger public and private sector organisations.

Any audit should be viewed as a positive management and boardroom tool by the board. It should have full access to both external and internal auditors, keeping an eye on their cost-effectiveness, independence, and objectivity.

As part of good governance, various codes and guides (many of them sector-specific) are available to assist organisations in reporting health and safety performance and risk management.

### Small and Medium-Sized Organisations

Advice for small and medium-sized businesses on how to use this guidance:

Note that this advice is not meant to replace the guidance; rather, it is meant to assist you in using it.

- This advice is applicable to businesses of all sizes.
- However, if you run a small business, the HSE's The health and safety toolbox may be more useful.
- Owners and partners – the guidance spends a lot of time talking about what directors and boards should do, but many small businesses will not have either. If you own or partner in such a company, you should strongly consider following this advice; references to what boards and directors should do can easily be misinterpreted as referring to what 'you' should do.

### Core Actions

Regardless of the size of your company, these are the same:

#### 1. Plan

- Make a plan for how you'll manage health and safety; if you have 5 or more employees, you'll need to write it down.
- Discuss your plan with your team; gaining their buy-in can help ensure that your plan succeeds.

#### 2. Make a decision

- Put your plan into action.
- Make it possible to carry it out by providing the necessary resources.
- Assess and manage the real risks that you and your employees face in a sensible, responsible, and proportionate manner – don't waste time and effort on frivolous risks and paperwork.
- If you start a new job or hire new people, think about whether there are any health and safety issues to consider.
- Enlist the assistance of knowledgeable advisers.

#### 3. Check

- Stay up to date on events and developments – it's often easier to do so in small businesses, so take advantage of it.

#### 4. Act

- Evaluate your performance on a regular basis, or whenever a serious incident occurs.

### Writing a Health and Safety Policy

Your company must have a health and safety policy, but you don't have to write it down if you have fewer than five employees.

The majority of businesses divide their policy into three sections:

- Your commitment to effectively managing health and safety at work is outlined in the statement of general policy on health and safety at work.
- The section on accountability identifies who is accountable for specific actions.
- The arrangements section contains the specifics of what you'll do in practise to achieve the goals set forth in your health and safety policy statement.

### What do the terms 'hazard' and 'risk' mean?

A hazard in your workplace is something that could harm people, such as chemicals, electricity, or working at a height. A risk is the possibility that a hazard will cause harm, no matter how small.

### Additional preparations

The additional steps you take to manage health and safety should be detailed in your policy's arrangements section. They could include the following:

- employee education
- displaying warning signs to draw attention to potential dangers
- better safety equipment, such as guards or extra personal protective equipment, such as goggles, safety boots, or high-visibility clothing
- substituting less harmful chemicals for hazardous chemicals
- better lighting
- flooring that is non-slip

Concentrate your efforts on activities that could endanger people or cause serious harm.

### Managing the risks

Controlling workplace risks is an important part of managing your company's health and safety. To do so, consider what might cause harm to people and determine whether you are taking reasonable steps to prevent that harm.

This is referred to as risk assessment, and it is something that you are required to do by law. You don't have to write anything down if you have fewer than five employees.

A risk assessment isn't about generating mountains of paperwork; it's about determining practical ways to manage the risks in your workplace.

You're probably already protecting your employees, but your risk assessment will help you determine whether you've covered everything you need to.

### **Identify the Hazards**

Accurately identifying potential hazards in your workplace is one of the most important aspects of your risk assessment.

A good place to start is to take a walk around your workplace and consider any potential hazards (things that may cause harm). To put it another way, what is it about the activities, processes, or substances used that could cause injury or harm to your employees' health?

It's easy to overlook some hazards when you work in the same place every day, so here are some pointers to help you spot the ones that matter:

- For chemicals and equipment, check the manufacturer's instructions or data sheets, as they can be very useful in explaining the hazards and putting them into context.
- Review your accident and illness records; they can often help you spot the less obvious dangers.
- Take non-routine operations into account (eg maintenance, cleaning operations or changes in production cycles)
- Remember to consider long-term health risks (eg high levels of noise or exposure to harmful substances)

Working at height, working with chemicals, machinery, and asbestos are examples of hazards with a known risk of harm. Other hazards that are relevant to your business may exist depending on the type of work you do.

### **Who might be Harmed?**

Then consider how employees (or anyone else who might be present, such as contractors or visitors) might be harmed. Ask your employees what they believe the hazards are, as they may notice things that you don't, and they may have some good ideas for reducing the risks.

You should be clear about who might be harmed by each hazard; this will help you determine the best way to mitigate the risk. This does not imply naming everyone, but rather identifying groups of people (for example, "people working in the storeroom" or "passers-by").

### **Remember:**

- Some workers, such as new and young workers, migrant workers, new or expectant mothers, people with disabilities, temporary workers, contractors, homeworkers, and lone workers, may have special requirements.
- Consider people who aren't always in the office, such as visitors, contractors, and maintenance workers.
- Consider members of the public if your work activities may cause them harm.
- If you work in a shared space with another company, think about how your work affects others, as well as how their work affects you and your employees. Talk to one another and double-check that controls are in place.
- Check with your coworkers to see if there is anyone you may have overlooked.

### **Evaluate the Risks**

After identifying the hazards, you must determine the likelihood of harm, or the level of risk, and what to do about it. Risk is an inevitable part of life, and you cannot expect to avoid all of them. What you must do is ensure that you are aware of the major risks and what you must do to manage them responsibly. In general, you must take all reasonable precautions to protect people from harm.

You are not expected to anticipate unforeseeable risks, so your risk assessment should only include what you can reasonably expect to know.

Examine what you're already doing and the safeguards you've put in place. Consider the following questions:

- Is it possible to eliminate the hazard completely?
- If not, how can I manage the risks so that no harm occurs?

You could take the following practical steps:

- finding a less dangerous option
- restricting access to the dangers
- arranging your work in such a way that you are less exposed to the danger
- providing personal protective equipment
- providing assistance such as first-aid and laundry facilities
- involving workers and consulting with them

Improving health and safety does not have to be expensive. For example, considering the risks, placing a mirror on a blind corner to help prevent vehicle accidents is a low-cost precaution. If an accident occurs, failing to take simple precautions could cost you a lot more.

Involve your employees so that you can be certain that what you're proposing will work in practise and won't introduce any new risks.

You can create a 'model' risk assessment that reflects the common hazards and risks associated with these activities if you manage a number of similar workplaces with similar activities.

You may also come across 'model' assessments developed by trade associations, employers' organisations, or other organisations involved in a specific activity. You have the option of using these 'model' assessments at each workplace, but only if you:

- Confirm that the 'model' assessment is appropriate for your line of business.
- tailor the 'model' to the specifics of your own work situations, including any necessary extensions to cover hazards and risks not mentioned in the 'model.'

### **Keep a Journal of your Findings.**

Make a list of your key findings, including the dangers, how they might harm people, and what controls you have in place to mitigate the risks. Any record made should be straightforward and focused on the controls.

You don't have to write anything down if you have fewer than five employees. However, it is beneficial to do so so that you can revisit it at a later date, say if something changes. If you have five or more employees, you must write it down by law.

Any paperwork you create should aid in communication and risk management in your company. This does not have to be a lengthy exercise for most people; simply jot down the main points about the significant risks and your conclusions.

A risk assessment must be 'suitable and sufficient,' meaning that it must demonstrate that:

- a thorough examination was carried out
- you asked who might be affected
- You considered all of the obvious significant risks, as well as the number of people who might be involved.
- the precautions are reasonable, and the risk is minimal
- You enlisted the help of your employees or their representatives.

Where the nature of your work changes frequently, the workplace changes and develops (e.g., a construction site), or your workers move from site to site, your risk assessment may need to focus more on a broad range of potential risks.

If your risk assessment uncovers several hazards, rank them in order of severity and address the most serious ones first.

Identify long-term solutions for the most serious risks, as well as those that are most likely to result in accidents or illness. You should also figure out if there are any improvements that can be made quickly, even if only temporarily, until more reliable controls can be implemented.

Remember that the higher the risk, the more robust and reliable the measures to reduce the risk of injury must be.

### **Review your risk assessment on a regular basis.**

Few workplaces remain unchanged. You will eventually introduce new equipment, substances, and procedures that may introduce new hazards. As a result, it's a good idea to review what you're doing on a regular basis, revisit your risk assessment, and ask yourself:

- Have there been any major alterations?
- Are there any changes you'd like to make?
- Have any of your employees noticed a problem?
- Have you learned anything from near-misses or accidents?

Make sure your risk assessment stays up to date.

### **Further Reading:**

- ✓ *Occupational Health and Safety Management a Practical Approach, Third Edition* by Charles D. Reese
- ✓ *Workplace Safety and Health: Assessing Current Practices and Promoting Change in the Profession (Occupational Safety & Health Guide) 1st Edition* by Thomas D. Schneid