

**RRC  
Sample  
Study Text**



**NEBOSH**

International General Certificate in  
Occupational Health and Safety

Unit IG1: Management of Health and Safety

## Morals and Money

### IN THIS SECTION...

- The three main reasons why an organisation has to manage health and safety are: moral, legal and financial. In this first section we look at two of these; the moral and financial reasons.
- The moral reason relates to the moral duty that one person has to another. Many people are killed, injured or made sick by their work. This harm is morally unacceptable and society as a whole demands that people are safe while at work.
- The financial reason relates to the fact that accidents and ill health cost money. When an accident occurs, there will be direct and indirect costs as a result of that event. Some of these losses can be insured against; many of them will be uninsured.

### Introduction to Key Terms

The topic of health and safety makes use of key words and phrases. Some important definitions are:

#### Health

The absence of disease or ill health. For example, asbestos creates a health risk because if you inhale asbestos dust you may contract lung cancer at some stage later in life (perhaps 20 or 30 years after you inhaled the dust). Health relates not only to physical ill health but also to psychological ill health (e.g. exposure to extreme stress can lead to acute mental collapse or a 'nervous breakdown').

#### Safety

The absence of risk of serious personal injury. For example, walking under a load suspended from a crane during a lifting operation is not safe because if the load falls, serious personal injury or death could result. Staying out of the danger area results in safety.

#### Welfare

Access to basic facilities such as toilet facilities, hand-wash stations, changing rooms, rest rooms, places where food can be prepared and eaten in relatively hygienic conditions, drinking water and basic first-aid provision.

### The Moral Reason for Managing Health and Safety

The following statistics are based on figures published by the International Labour Organization (ILO) (you do not need to remember the actual figures; we give them to highlight the scale of the problem). In a typical year worldwide:

- Around 2.9 million workers die as a result of work-related factors.
- Around 2.6 million work-related deaths are due to work-related diseases, particularly circulatory diseases, malignant neoplasms (cancer) and respiratory diseases.
- Accidents at work result in 330,000 deaths.
- More than 395 million workers sustain a non-fatal work injury.

These figures relate to the number of accidents and cases of disease which are reported and recorded globally. Not everything is reported or recorded, however, so the real figures are almost certainly higher.



Fishing is a high-risk sector

**MORE...**

Information on global occupational safety and health statistics can be found on the ILO website at:

<https://www.ilo.org/data-and-statistics>

These statistics indicate that a huge amount of pain and suffering is experienced by people who simply go to work to earn a living. The numbers indicate the scale of the problem. What the numbers don't do is tell the individual stories. When health and safety is not managed properly, people can get killed and injured in gruesome ways or suffer terrible diseases that have a massive impact not only on them, but also their dependants, families, friends and colleagues. This suffering is **morally** unacceptable.

Employers (through management) control the premises, equipment and working practices used by workers to produce the goods and services that the employer requires. Employers, therefore, have a **moral** responsibility to provide safe and healthy working conditions.

In simple terms, the moral reason can be summarised as, 'it's the right thing to do'. It is right and proper that workers go to work to earn a living and return home in the same state, not suffering from ill health or serious physical injury. People expect this as a fundamental right. Workers expect it. Society expects it. Over time, this societal expectation has been translated into legal standards. In this way, the moral argument drives legislation.

## The Financial Reason for Managing Health and Safety

Personal injury accidents, worker ill health and property damage cost money. When an accident or ill-health occurs there will be direct and indirect costs associated with that event. Some of these losses can be insured against, but many cannot. Accidents and ill health can significantly affect the financial resources of an organisation and, in some cases, can put an organisation out of business. This is the **financial** argument for managing health and safety. It is sometimes referred to as the business case because it focuses on money.

When an accident occurs, the organisation will face both direct and indirect costs:

- **Direct costs** – the measurable costs arising directly from the accident.
- **Indirect costs** – those which arise indirectly as a consequence of the event. Indirect costs are often difficult to quantify precisely and may be hard to identify.

Examples of **direct** costs:

- First-aid treatment.
- Worker sick pay.
- Repairs to, or replacement of, damaged equipment and buildings.
- Lost or damaged product.
- Lost production time while dealing with the injury.

Examples of **indirect** costs:

- Reduction in staff morale (which impacts on productivity, quality and efficiency).
- General difficulties in recruiting and retaining staff as a result of the accident.
- Loss of goodwill of customers following delays in production and fulfilling orders.
- Damage to public image and business reputation.
- Damage to industrial relations, perhaps leading to industrial action (e.g. strikes).

From the examples given you can see that, though more difficult to identify, the indirect costs associated with a workplace accident can be very large indeed.

## Insured and Uninsured Costs

It is usually possible to take out insurance to cover some of the losses that might foreseeably occur to an organisation. In most countries it is compulsory to take out **employers' liability insurance** so that if a worker is killed or injured at work there is insurance in place to pay that worker (or their dependants) compensation and to meet the employer's civil costs. As well as meeting a legal requirement, this insurance may provide some comfort to workers, knowing that in the event of an injury the employer is insured to compensate them financially. Similarly, it is usual for an employer to insure their premises and stock against fire.



Fire can be insured against

However, it is not possible to insure against all losses. Some losses are uninsurable by their very nature. For example, you cannot take out an insurance policy to pay money should you be prosecuted and fined in the criminal law courts, as it would no longer act as an effective deterrent. Other losses cannot be insured against because the loss is too difficult to quantify, or because the insurance would be too expensive to consider. For example, organisations cannot insure themselves against loss of revenue if their business reputation is damaged as a result of a major workplace accident. There is no law that prevents this type of insurance, but it is simply not offered by insurance providers.

Many of the direct and indirect costs associated with workplace accidents are uninsured for these reasons. The British regulator, the Health and Safety Executive (HSE) have estimated that uninsured losses are between 8 and 36 times greater than insured losses. They provide a rough average figure of 10 times. This is sometimes referred to as the 'uninsured loss iceberg'; because the greater losses are unseen below the waterline (and are quite capable of sinking the ship).

### TOPIC FOCUS

Examples of possible insured and uninsured losses include:

Insured Costs	Uninsured Costs
Damage to plant, buildings and equipment.	Production delays or down time.
Compensation paid to workers.	Loss of raw materials due to accidents.
Medical costs.	Accident investigation time.
Legal costs associated with a legal claim for compensation.	Criminal fines and legal costs.
	Sick pay for injured workers.
	Overtime to make up for lost production.
	Hiring and training new employees.
	Loss of business reputation.

It is worth remembering that, even if a loss is covered by insurance, most insurance policies come with an excess and with a limit. The excess is the amount of money that will be payable by the organisation before any payment is forthcoming from the insurer (e.g. the first £5,000 of any claim). The limit is the cap above which the insurer will not pay (e.g. if you have £2 million building and contents fire insurance but it costs £3 million to rebuild and re-stock your premises, then the insurer will only pay the first £2 million, and the remaining sum is uninsured).

**MORE...**

The HSE website provides helpful guidance on the business case for health and safety:

<https://www.hse.gov.uk/leadership/benefits.htm>

**STUDY QUESTIONS**

1. Define:
  - (a) Health.
  - (b) Safety.
  - (c) Welfare.
2. Explain the three reasons why an organisation should manage health and safety.
3. Give three insured costs and three uninsured costs that might arise from a workplace accident.

(Suggested Answers are at the end.)

# Regulating Health and Safety

## IN THIS SECTION...

- The legal reason for managing workplace health and safety relates to the framework of laws that govern the conduct of businesses and organisations.
- The International Labour Organization (ILO) has set out Convention C155 and Recommendation R164 which apply to workplace health and safety standards.
- Most countries and regions have established legal standards that meet or exceed the minimum standards set out in C155 and R164.
- These legal standards place a duty on the employer to ensure that workplaces, work activities and work equipment and substances are, so far as is reasonably practicable, safe and without risk to health.
- The legal standards also place a duty on workers to look after their own and other people's health and safety.
- Failure to comply with these legal standards may lead to enforcement action by the authorities or prosecution through a country's criminal courts. Successful prosecution usually results in a fine, but may result in imprisonment.
- Work-related injuries may result in compensation being paid to the victim. In some countries this is achieved by legal action through the civil courts, whilst other countries may have worker compensation schemes for this purpose.

## Legal Reasons for Managing Workplace Health and Safety

The **legal** reason for managing health and safety relates to the framework of international and national laws that govern the conduct of businesses and organisations. Most countries have laws that set standards for how organisations should conduct themselves with regard to the management of health and safety risks. Failure to achieve these legal minimum standards can lead to enforcement action by the authorities or prosecution before the courts. Successful prosecution can lead to a fine and, in many countries, to imprisonment for the individuals concerned.

## The International Framework

There are no truly global laws governing workplace health and safety. Most countries have their own laws, developed over the years to tackle their own issues and concerns. However, countries often end up adopting similar basic approaches to protect the health and safety of their people; the detail may vary but the underlying principles are the same.

A key player in the area of international legal standards in health and safety is the International Labour Organization (ILO) which is an agency of the United Nations (UN). Most countries are members of the ILO. The two primary outputs of the ILO are **Conventions** and **Recommendations**. These set international legal standards.

Conventions and Recommendations can form the basis of detailed legislation in each member country – the result being that basic minimum health and safety standards are adopted. The detailed provisions will still vary, as each member state implements the standards in a nationally appropriate way.

In 1981, the ILO adopted the **Occupational Safety and Health Convention (C155)**. This describes a basic policy for health and safety at both the national level and the level of the individual organisation.

The **Occupational Safety and Health Recommendation 1981 (R164)** supplements C155 and provides more detailed guidance on how to comply with the policies of C155. In particular, it identifies obligations that might be placed on employers and employees in order to achieve the basic goal of a safe and healthy place of work.



Health and safety is a priority around the world

Many countries that belong to the ILO have ratified C155 and R164 and have then legislated to put their requirements into the national (or regional) law.

In C155 and R164 there is a general recognition that most of the responsibility for ensuring good standards of health and safety at work lies with the employer – since they provide the work, the workplace, the tools, systems and methods used, etc. They also recognise that individual workers have responsibilities. Though the legal wording varies between countries, the general theme is that employers and workers must exercise reasonable care to ensure safety and absence of risk to health.

## Employers' Responsibilities

Article 16 of C155 identifies some basic obligations placed on employers:

1. *"...to ensure that...the workplaces, machinery, equipment and processes under their control are safe and without risk to health.*
2. *...to ensure that...the chemical, physical and biological substances and agents under their control are without risk to health...*
3. *...to provide...adequate protective clothing and protective equipment to prevent...risk of accidents or of adverse effects on health."*

Source: C155 Occupational Safety and Health Convention, 1981 (abbreviated)

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These duties are very generally worded in the Convention. R164 expands on what they might mean in practice. It identifies some practical obligations to meet the objective of Article 16 of C155.

### TOPIC FOCUS

Specifically, Article 10 of R164 puts the following obligations on employers:

- Provide workplaces and work equipment, and use work methods, which are safe and pose no risk to health.
- Provide appropriate instructions and training.
- Provide necessary supervision.
- Put in place health and safety arrangements adapted to suit the size and nature of the undertaking.
- Provide any necessary personal protective clothing and equipment free of charge.
- Ensure that the hours of work do not adversely affect employees' safety and health.
- Take measures to eliminate any extreme physical and mental fatigue.
- Stay up-to-date with knowledge in order to comply with the above.

In this way the responsibility is placed directly on the employer. However, it is also recognised that individual workers have a critical part to play in keeping workplaces safe, so workers are also given duties.

## Workers' Responsibilities and Rights

Article 19 of C155 states that all workers and their representatives have to co-operate with their employer so that they can fulfil their safety obligations.

R164 provides more detail on this general duty.

### TOPIC FOCUS

R164 says that workers should:

- Take reasonable care of their own safety and that of other people who might be affected by the things that they do and the things that they fail to do.
- Comply with safety instructions and procedures.
- Use all safety equipment properly and not tamper with it.
- Report any situation which they believe could be a hazard and which they cannot themselves correct.
- Report any work-related accident or ill health.

The Convention and Recommendation not only put a duty on workers, but also give those workers rights.

In addition to the basic right to a safe workplace, Article 19 of C155 gives workers the following rights:

- The right to be provided with adequate information on actions the employer has taken to ensure occupational safety and health.
- The right to the necessary training in occupational safety and health.
- The right to be consulted by the employer on all matters of occupational safety and health relating to their work.
- The right to leave a workplace which the worker has reason to think presents an imminent and serious danger to their life or health, and not be compelled to return until it is safe.

### CASE STUDY

*Nick is an experienced scaffolder team leader. The company Nick works for has provided several training courses appropriate for the task of scaffold erection that Nick has attended. The most recent one, just a few weeks ago, was on checking lanyards and how to wear them. Nick is currently leading the team of scaffold erectors on a high-rise office building. Nick leads from the front; he is at the highest level using scaffold connectors to join vertical poles (known as 'standards') together and creating the working platform using scaffold boarding. Nick has found, through experience, that scaffold erection is usually undertaken under extreme time pressure. To enable more free movement, Nick does not use the lanyard provided by the employer and does not follow the safe system of work that Nick helped the employer develop on scaffold erection. Some of the components Nick is fitting are damaged. Rather than wait for replacement components, causing delays and increased costs, Nick uses the damaged components in the scaffold. Nick is standing on the scaffold boarding he has just placed on transoms looking up at the building face to consider where he should fit the next section.*

*A person in an adjacent building sees a scaffolder wearing a hard hat and high-visibility clothing, but not wearing a lanyard. The scaffolder is standing on two scaffold boards. At this time, no guardrails have been fitted. The scaffolder is on the 7th lift so is approximately 15 metres high. The person takes a photograph with their mobile phone and e-mails the image to the local authorities.*

*The local authorities conduct a site inspection. They interview Nick and the company Nick works for. In the opinion of the officer, the company have met their responsibilities, however Nick has not acted appropriately.*

#### How Does Your RRC Material Help You?

Reading through the case study we can consider the following questions.

(Continued)



### CASE STUDY

#### Has Nick Taken Reasonable Care for His Own Health and Safety?

Nick is not wearing the lanyard he has been provided with. He has attended training courses where the need for the use of the lanyard would have been made clear. Nick's reason for not wearing the lanyard is so he can complete the task more quickly. If Nick fell from the scaffold, he would have a fall of approximately 15 metres and is highly likely to suffer life-changing injuries.

#### Are There Other Persons who can be Affected by Things Nick has Done?

Other members of the scaffold team may see Nick's behaviour and knowing he is a team leader, copy that behaviour in the belief it was appropriate.

Nick is knowingly using scaffold components that are faulty. These components may fail when the scaffold is under load. Any workers on the scaffold, or members of the public nearby at ground level, may be impacted by falling objects.

#### Are There Other Persons who can be Affected by Things Nick has Omitted to Do?

Nick has not raised his concerns about the faulty scaffold components with the company. It is also unclear if Nick has raised his concerns about unrealistic time demands that may cause workers not to follow the procedures Nick helped to write.

#### Has Nick Taken Reasonable Care for the Safety of These Other Persons?

Using faulty components may mean the scaffold fails and collapses. This is obviously a very large scaffold so it's realistic to think the workers on the scaffold or anyone within the fall radius of the scaffold can be struck by falling components or a fall from height. Many injuries could be life-changing injuries. The cost of replacement components would be very small compared to the costs associated with a collapsed scaffold.

#### Has Nick Co-operated With his Employer so that They can Meet Their Responsibilities?

Nick is not wearing his lanyard and is not following the safe system of work that he helped develop.

#### What are the Responsibilities that Nick and his Employer Have?

The International Labour Organization (ILO) does not have a specific standard that directly requires employers to provide a safe system of work. The intent of the conventions and recommendations is to provide a standardised framework that promotes workplace safety and assigns the responsibility to employers to ensure a safe working environment.

Employers' responsibilities include but are not limited to:

- **ILO Convention No. 155 (Occupational Safety and Health Convention, 1981)**

This convention emphasises the responsibility of employers to ensure the safety and health of workers in the workplace. It covers various aspects of occupational safety and health, including risk assessment, prevention of accidents and occupational diseases, and the provision of information, training, and supervision to workers.

- **ILO Recommendation No. 164 (Occupational Safety and Health Recommendation, 1981)**

This recommendation accompanies Convention No. 155 and provides additional guidance on implementing the principles and provisions outlined in the convention. It emphasises the need for employers to establish and maintain a safe and healthy working environment by implementing appropriate policies, procedures, and systems.

Employees also have responsibilities to contribute to their own safety.

(Continued)

### CASE STUDY

Here are some key aspects of employee responsibilities regarding their safety within the workplace:

- **Compliance with Safety Policies and Procedures**

Employees are expected to comply with the safety policies, procedures, and guidelines established by their employer. This includes following safety protocols, using personal protective equipment (PPE) as required, and reporting any hazards or unsafe conditions to their supervisor or the appropriate authority.

- **Awareness and Knowledge of Workplace Hazards**

Employees should familiarise themselves with the potential hazards present in their work environment and avail themselves of the employer's processes to provide hazard assessment and controls of said hazards. This involves understanding the specific risks associated with their tasks and responsibilities, being aware of potential hazards, and knowing how to mitigate or avoid them.

- **Proper Use of Equipment and Machinery**

Employees should use tools, equipment, and machinery in accordance with established safety guidelines, instructions, and training. This includes using equipment only for its intended purpose, following safe operating procedures, and reporting any equipment malfunctions or defects.

- **Reporting Accidents and Incidents**

Employees should promptly report any work-related accidents, injuries, or near-miss incidents to their supervisor or the appropriate authority. Reporting such incidents helps to identify potential hazards and implement preventive measures.

- **Participating in Training and Safety Programmes**

Employees should actively participate in safety training programmes provided by the employer. This includes attending safety inductions, undergoing specific training for hazardous tasks, and updating their knowledge of safety practices and procedures.

- **Taking Care of Personal Health and Well-being**

Employees need to focus on their own health and well-being to ensure they are fit for duty when they arrive at the workplace. This includes following health and safety guidelines, managing personal stress and fatigue, and reporting any health and/or psychological conditions that may affect their ability to work safely.

(Continued)

### CASE STUDY

#### Why was Nick Prosecuted and Not the Company He Works For?

##### The company's point of view

Responsibility	Compliance evidence	Non-compliance evidence
<b>ILO Convention No. 155:</b> To ensure the safety and health of workers in the workplace.	Documented safe system of work. Provided a hard hat, high visibility clothing and lanyard as part of that system of work.	None
<b>ILO Convention No. 155:</b> The provision of information, training, and supervision to workers.	Provided Nick as a team leader, experienced person, recently attended training courses and involved in developing a safe system of work.	None
<b>ILO Recommendation No. 164:</b> Implementing appropriate policies, procedures, and systems.	Fall would be prevented on the section of complete scaffold by the provision of guardrails. Working above this level the fall distance is minimised by the worker wearing a lanyard.	None

##### Evidence against Nick

Responsibility	Compliance evidence	Non-compliance evidence	
		Acts	Omissions
Take reasonable care of themselves.	None	Did not wear his lanyard.	No evidence that an unreasonable time demand has been raised with the employer. Did not tell employer about faulty scaffold components.
Take reasonable care of others.	None	Fitted scaffold components known to be faulty. Assembled the scaffold in an unsafe way.	Did not wear lanyard (if Nick had fallen, he may have landed on someone).
Co-operate with the employer and use equipment properly.	None	Did not follow the safe system of work. Did not follow the guidance given in training courses.	Did not prevent a fall by wearing the lanyard. Did not advise on the faulty scaffold components to enable the employer to purchase replacements.

(Continued)

## CASE STUDY

### Summary

While the ILO does not have a specific standard dedicated to the provision of a safe system of work, Convention No. 155 and Recommendation No. 164 emphasise the employer's responsibility to ensure workplace safety and health through risk assessment, prevention measures, and the provision of information, training, and supervision to workers. These standards serve as a framework for national legislation and policies related to occupational safety and health.

It's important to note that employee responsibilities may vary depending on the jurisdiction, industry, and specific job roles. Local labour laws, regulations, and/or collective bargaining agreements may also outline additional responsibilities and obligations for employees.

### MORE...

Further information on the ILO Conventions and Recommendations can be found at:

<https://www.ilo.org/international-labour-standards/conventions-protocols-and-recommendations>

## The Role of Enforcement Agencies

There is no harmonised global standard for the enforcement of health and safety law, so legal and enforcement systems vary between countries. There are, however, some general principles which normally apply:

- Each country or region has one (or more) enforcement agency (or authority) responsible for enforcing health and safety law. Such an agency is effectively the 'health and safety police force'. In some circumstances the agency may actually be, or may enlist the help of, the national or regional police. These agencies often provide advice, investigate workplace accidents, take formal enforcement action to force employers to comply with the law and start criminal proceedings against persons or organisations they believe have committed offences.
- Many countries have a separate fire authority with a role in enforcing fire safety legislation and/or advising employers.
- In some countries, insurance companies fulfil a major role in enforcing safety by carrying out inspections and audits on a regular basis. These can help to improve standards, as the insurance company can demand increased insurance premiums or refuse to provide insurance cover at all unless standards are improved.

## Consequences of Non-Compliance

A breach of health and safety legislation is usually a criminal offence – wherever you are in the world.

Failure to meet legal standards might lead to:

- **Formal enforcement action:** an enforcement agency might force an employer either to make an improvement within the workplace within a given time period, or to stop carrying out high risk activities altogether until improvements are made. Failure to comply with formal enforcement action is usually considered to be an offence in itself.
- **Prosecution of the organisation in the criminal courts:** successful prosecution might result in punishment in the form of a fine.
- **Prosecution of individuals, such as directors, managers and workers:** successful prosecution might result in punishment in the form of a fine and/or imprisonment.



Breaching health and safety law can lead to criminal prosecution