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Health and Safety at Work Award
Unit HSA1: Health and Safety at Work

Reasons for Practising Good Standards of Health and Safety

IN THIS SECTION...

There are three main reasons for practising good standards of health and safety:

- **Moral reasons** – it is morally unacceptable for people to be injured while at work.
- **Legal reasons** – most countries have laws that place responsibilities on organisations and individuals with regard to health and safety.
- **Financial reasons** – poor health and safety can result in high costs to the business – both financial (e.g. cost of repairs, lost production, fines, etc.) and non-financial (e.g. loss of public image).

In health and safety, responsibilities are placed on many people:

- **Employers** have a responsibility to ensure the health, safety and welfare of workers/employees and also other persons, including contractors, the public and visitors.
- **Directors and managers** have particular responsibility for the health and safety performance of an organisation.
- **Employees/workers** have a responsibility for their own safety and that of others who could be affected.
- Many **self-employed persons** have a responsibility for their own safety and that of others who could be affected.

Introduction to the Reasons for Practising Good Standards of Health and Safety

The responsibility for health and safety at work rests primarily on the shoulders of the employer. It must be a priority for management to ensure that appropriate measures and practices are in place to create safe working conditions. This responsibility is placed on employers because of the focus of most health and safety legislation. However, there are also compelling moral and financial reasons for employers to be concerned with health and safety.

Moral

MORE...

Up-to-date figures can be obtained from the HSE website:

www.hse.gov.uk

In a typical year in Great Britain (based on figures from the British regulator, the Health and Safety Executive (HSE)):

- More than 130 workers are killed in work-related accidents.
- More than half a million working people sustain an injury at work.
- Around 1.8 million people suffer from a work-related illness.
- More than 2,000 people die due to past exposure to asbestos.
- Over 35 million working days are lost due to work-related illness and workplace injury.
- The estimated cost of injuries and ill health from current working conditions is more than £20 billion.

(You do not need to remember the actual figures; we give them to highlight the scale of the problem.)

These figures relate to the number of accidents and cases of disease which are reported and recorded. Inevitably, there will be under-reporting and under-recording, so the real figures are almost certainly higher (the HSE estimates that over half of the non-fatal injuries that should be reported are not reported).

These statistics indicate that a huge amount of pain and suffering is experienced by people in the course of simply going 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 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.

Legal

Inclusion of Health and Safety in National Law

DEFINITIONS

STATUTE LAW

The written legal standards of a country.

CRIMINAL LAW

A legal standard, which, if breached, is considered a 'crime' and may result in prosecution as a punishment.

CIVIL LAW

A branch of law established to create a route for compensation for injured parties.

Acceptable standards of health and safety are not simply a moral obligation. There are also legal requirements to be met in the form of statute law.

As we have seen, the responsibility for health and safety at work rests mainly on the employer. Management must ensure that appropriate measures and practices are in place to create safe working conditions in order to comply with the law. However, there will also be other parties who have legal duties for ensuring acceptable health and safety standards in a workplace. For example, individual workers are often assigned a legal duty to take reasonable care of their own health and safety and the health and safety of others who might be affected by their actions.

A breach of health and safety legislation is usually a criminal offence – whatever part of the world you are in. As a result, a company may face heavy fines. It is not uncommon to hold individuals within companies responsible and imprison them, or levy a personal fine on them.

In addition, civil liability may also arise. Civil liability arises, mainly, from a breach of the duty of care owed to others under the law. As a result, compensation may be payable for injuries sustained. In terms of health and safety, the most important civil liability arises as a result of negligence.

An example of health and safety being enshrined in national statute law is the UK's **Health and Safety at Work, etc. Act 1974 (HSWA)**.

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In the UK, the **Health and Safety at Work, etc. Act 1974** requires that an employer must ensure reasonable standards of health, safety and welfare at work for his employees and for all other people who might be affected by the employer's activities. It also recognises that many other parties have a part to play in ensuring acceptable standards in the workplace, and places duties on individual workers (including supervisors and managers), landlords of workplaces and designers, manufacturers and suppliers of equipment and substances used for work.

A detailed understanding of this Act is not required for this course, but an understanding of the principle at work is.

Enforcing the Law

Responsibility for enforcing the law in respect of health and safety will lie principally with the relevant enforcement agencies; there are various actions that can be taken.

Enforcement of **HSWA** and its Regulations is carried out by HSE Inspectors and Environmental Health Officers (working for the Local Authority). There are two main enforcement tools used by inspectors when enforcing the Act:

- An **improvement notice** – this is a formal written notice that requires the organisation to make some sort of improvement to a specific health and safety problem in their workplace. The notice is only issued when there is a clear breach of regulations that the inspector believes does not give rise to serious risk. The improvement notice does not prevent work from carrying on, but it does set a timescale for the required improvement to be implemented.

For example, an inspector might issue an improvement notice where they find that there are no risk assessments recorded in a workplace, but the work activities are not high risk. The inspector might allow the organisation three months to carry out and implement their risk assessments.

- A **prohibition notice** – this is a formal written notice that requires the organisation to stop a high-risk work activity. The specific intention of the notice is to stop the work that the inspector believes is creating serious risk. The organisation cannot re-start work until they have made it safe.

For example, an inspector might issue a prohibition notice where they see a group of workers working on the sloping roof of a three-storey building with no precautions taken to prevent or control falls from height.

The ultimate action that an inspector can take is to prosecute the organisation or individual workers under **HSWA**. This would result in a criminal trial in a Magistrates' Court or Crown Court. Successful conviction could result in a fine for the organisation and a fine and/or imprisonment for an individual.

Of course, the organisation may also receive civil action undertaken by a victim claiming compensation, even if not prosecuted by the enforcing authority. This is covered by insurance but takes time and money to defend.

Criminal prosecution is where the person or organisation is taken to court by an enforcement agency. This is usually the ultimate sanction imposed by the enforcing agency. It might be used if all other enforcement action has failed to improve conditions in the workplace, or if the enforcement agency sees that clear breaches of law have taken place.

Successful criminal prosecutions will normally lead to some form of punishment. This would normally be a fine for an organisation, or a fine and/or imprisonment for an individual.

The enforcement notice procedure provides a much faster means of remedying a breach of health and safety law than criminal prosecution, and is the main method used. An organisation may still also be prosecuted, but this may take a long time.



Inspector working for an enforcement agency

Financial

The Business Case for Health and Safety

Many case studies have proved that an active approach to health and safety is good for business. Sensible health and safety management not only benefits staff but is good for a company financially too, for example, by reducing the number of days lost through ill health.

When an accident occurs, there are two types of losses that the organisation may face:

- **Direct costs** – the measurable costs arising directly from the accident, for example:
 - First-aid treatment.
 - Employee sick pay.
 - Repairs to, or replacement of, damaged equipment and buildings.
 - Lost or damaged product.
 - Lost production time whilst dealing with the injury.
 - Overtime to make up for lost time.
 - Costs associated with the rehabilitation of the injured employee and their return to work.
 - Fines in the criminal courts.
 - Compensation payable to the victim.
- **Indirect costs** – those which arise indirectly as a consequence of the event. Indirect costs are often difficult to identify and, in certain circumstances, they may be extremely high, for example:
 - Loss of staff from productive duties in order to investigate the incident, prepare reports, undertake hospital visits, deal with relatives, attend court proceedings.
 - Loss of staff morale (which impacts on productivity and efficiency).
 - Cost of remedial action following an investigation, such as a change of process or materials and/or the introduction of further control measures.
 - Cost of compliance with any enforcement notice served.
 - Cost of recruiting and training temporary or replacement labour.
 - General difficulties in recruiting and retaining staff as an indirect result of the accident.
 - An increase in insurance premiums.
 - Loss of goodwill of customers following delays in production and fulfilling orders.
 - Activation of penalty clauses for failing to meet delivery dates.
 - Damage to public image and business reputation.
 - Damage to industrial relations, perhaps leading to industrial action (e.g. strikes).

Financial and Non-Financial Costs of Accidents and Ill Health

We have seen that the costs of failures in health and safety at work, across the economy as a whole, can be enormous. For the individual employer, they can also be very significant.

These costs may be divided into two types:

- **Financial costs** – the measurable costs arising from an accident and/or any claim for liability under the civil or criminal law. They include:
 - Sick pay.
 - Repairs or replacement of damaged equipment and buildings.



A spreadsheet with company financial details - these can be affected by poor health and safety

- Product loss or damage.
- Loss of production.
- Public and/or product liability.
- Fines.
- Legal fees.
- Increases in insurance premiums.
- **Non-financial costs** – costs may arise as a consequence of the event, but do not generally involve the payment of money. These costs are often largely unknown, but it is estimated that, in certain circumstances, they may be extremely high. They include:
 - Business interruption.
 - Loss of orders.
 - Cost of time spent on investigations.

Benefits of Introducing a Health and Safety Management System

There are many benefits to implementing a safety management system such as HSG65. These benefits include:

- Helps compliance with legislative and other requirements.
- Assists organisations to deliver the policy.
- Enables improved management of health and safety risks.
- Provides a competitive edge.
- Provides synergy with good business management.
- Protects company assets.
- Creates a positive health and safety culture.
- Improves communication within the organisation.

(More on HSG65 later.)

Health and Safety Roles and Responsibilities of Relevant Parties

The general duties placed on organisations, as employers, require that the practical responsibility for health and safety is delegated through the organisation by means of management roles. Here we discuss broad responsibilities of various parties.

Roles and Responsibilities of Employers

The prime responsibility for health and safety at work lies with the employer. This covers responsibility to employees and extends to others who may be affected by the work activities.

DEFINITION

EMPLOYEE

A person who is employed on a contract of employment. Employees are also usually told “what to do” and “how to do it” by their employer and provided with equipment to do the work.

Responsibilities to Employees/Workers

Employers have a general duty to ensure the health, safety and welfare of their employees. This broad duty usually includes the provision of:

- **Safe plant/equipment and a safe system of working**, as well as their maintenance.
- **Adequate instruction, training, supervision and information** necessary to ensure the health and safety at work of employees.
- **A safe workplace**. This is often extended to cover the maintenance of the working environment and the provision of “welfare” facilities (e.g. drinking water, sanitation, etc.).

How far an employer should go to perform these duties (i.e. what is considered “reasonable”) differs according to the region of the world and culture. It is generally accepted, however, that what is “reasonable” is a balance of the risk of injury/harm against the cost (in terms of time, effort and money). Most people would agree that it would be unreasonable to incur an enormous financial cost for a risk-reduction programme that results in only a marginal increase in safety unless the risks are so high that a small improvement in safety is worthwhile or the law demands that actions are taken, whatever the cost.

In making the necessary arrangements, employers are not usually allowed to charge employees for any form of protection “reasonably” required to do the job for which they were hired.



Employees receiving training - this is an employer responsibility

Responsibilities to Other Persons

As well as duties to their employees, employers have a responsibility to others who may be affected by the business activities, including:

- Employment agency workers.
- Contractors.
- Visitors.
- Members of the public, etc.

This means taking measures to protect the health and safety of such people, which should include warning them about potential hazards.

Outside the workplace, the general public has a right to protection from risks to their health and safety arising from a workplace, such as risks from fire, collapse of a scaffolding or release of harmful substances into the air. Warning signs are used in order to warn visitors and members of the public of the hazards posed on sites in order to deter unauthorised entry to the premises. It is also usual to provide information to visitors to the site (e.g. an information card).

Organisations may also use contractors to carry out a task if they don't have the manpower or expertise in-house. By law, employers and people in charge of premises have a duty to reduce the risk to contractors. Contractors may also have duties both as employers to their own workforce and as competent people in their own fields of expertise.

It is fair to say that the responsibility for risk control is shared:

- **The client is responsible for the workplace and environment.**
The client must make the contractor aware of hazards of the general workplace (including hazards created by their own employees).
- **The contractor is responsible for the job and for the safety of their employees** (and the hazards created as a result of their actions).

This is a fairly simple approach, as there are many areas of overlap, and tight procedures are required to ensure all possibilities are considered.



Employers are responsible for the health and safety of visitors, like these people above on a construction site

The client and contractor must ensure they inform each other of hazards and ensure they are being controlled.

DEFINITION

CONTRACTOR

A person or company who is hired in order to deliver a service. The client usually identifies the job to be done but not the method of work and the client relies on the specialist skills of the contractor. A contractor often provides their own equipment. An electrician, for example, contracted to re-wire a building uses his skills to determine how the job is carried out and provides his tools.

Roles and Responsibilities of Directors, Managers and Supervisors

In most medium and large organisations, the 'employer' is the organisation itself, and the responsibility for fulfilling the employer's duties for health and safety will fall on the management of the organisation.

Particular responsibilities for health and safety are placed on directors and senior managers.

Directors

Directors and senior managers are rarely involved in the day-to-day operations of a company but they give an organisation its direction and set its priorities, so health and safety should appear regularly on the agenda for board meetings. All directors, both collectively and individually, have ultimate responsibility for ensuring the proper conduct of the company. In many countries they can be prosecuted for failing to discharge their duties appropriately.

The Chief Executive, President or Managing Director will have particular responsibilities in respect of his position. Each director will also have personal responsibilities, which should be defined in the health and safety policy and endorsed by the signature of a senior director.



Directors at a board meeting, discussing health and safety policy

TOPIC FOCUS

Director Responsibilities

In particular, directors must ensure that:

- The company fulfils its legal responsibilities for health and safety.
- The organisation's health and safety policy is properly defined.
- The necessary resources are made available to maintain sound and efficient health and safety arrangements.
- Responsibilities for health and safety are properly assigned within the management structure, and a health and safety director or senior manager is appointed.
- Where there is a Board of Directors, they will be answerable to the Chief Executive, President or Managing Director.
- Appropriate leadership is given by senior management in relation to the importance of health and safety arrangements and their continual improvement.

Managers

Managers are responsible for the health and safety of the workplace and workforce in their individual areas. Health and safety is not just the responsibility of the health and safety department, but is also a **line-management responsibility**.

Supervisors

Supervisors are responsible for the day-to-day implementation of health and safety policies.

Supervisors must ensure that:

- Established procedures and safe working practices are implemented at all times.
- All employees are provided with all necessary information and instruction to enable them to operate safely.
- Corrective actions are implemented to reduce or eliminate unsafe acts or conditions.

All accidents and other incidents that occur in their area are properly investigated and documented.

Responsibilities of Workers

The law usually expects that when a worker is at work, they must:

- Take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions at work.
- Co-operate with their employer so far as is necessary for the employer to fulfil their legal duties.

Notice that both acts and omissions are included. So failure of a worker to wear protective clothing, or to check machinery that they are responsible for checking, might make them liable to prosecution, as would exposing others to any danger by taking unsafe shortcuts in their working methods.

Legal provisions commonly include a specific duty not to intentionally or recklessly interfere with, or misuse, anything provided in the interests of health, safety or welfare. This kind of provision covers any person (not just employees). Interference with fire-fighting equipment or first-aid equipment would fall into this category.

Responsibilities of the Self-Employed

Many self-employed people are under very similar duties to those of employers in respect of their health and safety responsibilities to themselves and to others. (Some self-employed people, who have no employees and whose workplace activities pose no potential risk of harm to others, are exempt.)

DEFINITION

SELF-EMPLOYED

People who work for payment but are not under a contract of employment.

The self-employed can employ other people, therefore they owe a duty to themselves (because they employ themselves) and also to others. They should:

- Take reasonable measures to protect their own health and safety while they go about their business.
- Take reasonable measures to protect the health and safety of others who may be affected by the work they do.

These are very general duties so, in practice, the self-employed may well find themselves doing many of the things that an employer would do, but on a smaller scale. This might include identification of hazards, assessment of risks and taking the appropriate protective measures.

STUDY QUESTIONS

1. What are the consequences for an employer of non-compliance with health and safety responsibilities?
2. Name two financial costs arising from accidents and ill health.
3. Name two non-financial costs arising from accidents and ill health.
4. Outline typical duties of employers to employees.
5. What are the responsibilities of employers to people who are not their employees?
6. Outline common duties of workers.

(Suggested Answers are at the end.)