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Unit HSW1: Workplace Safety Foundations - Sample Material

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HSW1 Element 1: The Foundations of Health and Safety



NEBOSH Award in Health and Safety at Work
Element 1: The Foundations of Health and Safety

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Sample Material



Element 1: The Foundations of Health and Safety

Learning Outcomes

On completion of this element, you should be able to demonstrate understanding of the content through the application of knowledge to familiar and unfamiliar situations. In particular you should be able to:

- ◆ Outline the scope and nature of workplace health and safety.
- ◆ Identify the reasons for practising good standards of health and safety.
- ◆ Identify the key internal and external sources of health and safety information.

Hints and Tips

First read through each element and try to get a feel for the subject. Then go back and read in more depth.



The Scope and Nature of Workplace Health and Safety

Key Information

- **Health** – the absence of illness or disease.
- **Safety** – the conditions in the workplace resulting in the absence of a risk of personal injury.
- **Welfare** – the provision of basic facilities.
- **Accident** – an unplanned, undesired event which leads to injury, damage or loss.
- **Dangerous occurrence** – a specified event that has to be reported to the enforcing authority by law.
- **Near miss** – an unplanned, undesired event that has the potential to cause injury, damage or loss but does not do so.
- **Work-related ill health** – a disease or illness caused by a person's work.
- **Health, safety and workplace fire law** – the established laws of a particular country relating to health and safety. Most countries place legal obligations on employers, employees and others who could be affected, e.g. contractors.
- **Health, safety and workplace fire law enforcing authorities** – the bodies given legal responsibility to regulate and control the activities of individuals and organisations with regards to health and safety.

Meanings and Distinctions

The subject of health and safety is, like all subjects, full of its own language and terminology. Here are a few important meanings:

Health, Safety and Welfare

Health and safety at work is a general term to cover a wide range of effects which may be created by activities and events which occur at the workplace. Exactly what is covered?

- **Health** can be considered as the absence of a disease or illness. Health relates to both the body and the mind and covers physical ill-health (such as cancer) and psychological ill-health (such as stress).
- **Safety** relates to the conditions at the workplace and is an absence of risk of serious personal injury. For example walking behind a reversing vehicle isn't safe as it could result in injury if the vehicle strikes the person.
- **Welfare** relates to the general well-being of employees at the workplace and the provision of basic facilities to promote wellbeing. These facilities include drinking water, rest areas, toilet and hand washing provisions.

Accidents, Dangerous Occurrences, Near-Misses and Work-Related Ill-Health

It is useful to define several types of event commonly considered in relation to health and safety.

Accidents

Accidents are undesired and unplanned events which may cause personal injury, damage to property or equipment, or loss of output, or all three. The following are examples of workplace accidents:

- A worker is injured when he puts his hand into a machine from which the guard has been removed.
- A worker running to the car park trips and falls, spraining her ankle.

Neither of these events occurred deliberately – a deliberate act would not be an accident.



An accident at work



Element 1: The Foundations of Health and Safety

- **Dangerous Occurrences**

These are events defined under national laws and regulations, with **potential** to cause an injury or disease to persons at work or to the public. These events typically involve serious potential for injury, even though no injury in fact resulted – they usually involve some form of loss or damage to equipment. Examples of this type might include explosions when a factory is empty of employees or collapse of scaffolding during a night-time gale.



This worker is about to injure himself, but not necessarily damage the company property

- **Near-Misses**

These are any form of accident which could result in injury or loss but does not. Examples include a worker pulling their hand out of a machine, just getting a smear of oil on their fingers, or an employee stumbling and regaining balance without falling.



A rock falls from the edge of this excavation, but lands on the ground without causing injury or damage - a near miss

Near misses are significant in that lessons should be learned from them in order to prevent them reoccurring and, perhaps, causing harm the next time.

- **Work-Related Ill-Health**

Work related ill health conditions are diseases or medical conditions caused by a person's work.

Work-related ill-health may be either physiological or psychological:

- **Physiological problems** are physical conditions caused by exposure to hazardous agents. Such agents include noise, chemicals, biological agents and ergonomic hazards. We will cover these more in elements 9 and 10.
- **Psychological problems** are usually related to stress and include such illnesses as depression. Stress may be created by short-term events or longer term exposure to pressure. We will cover stress more in element 10.

Health, Safety and Workplace Fire Law and Supporting Guidance

Most countries have laws relating to health and safety in the workplace in order to protect people at work. As you would expect, the detailed legal duties placed on employers and employees dealing with issues such as hazardous substances, manual handling and so on vary between countries. There is a general recognition that most of the responsibility lies with the employer – since he provides the work, the workplace, the tools, systems, methods, etc. Throughout the world there are also behavioural expectations of both employers and employees with regard to health and safety. This includes exercising reasonable care in order to protect others from the risks of foreseeable injury, health problems or death at work.

The workplace should be a safe environment in which employees and contractors can carry out their occupations with minimal risk to their health or safety. As fire can present significant risks to health and safety, including risks to life, effective fire safety management by employers is required to reduce the risk of fire occurring in the workplace. How this is achieved will vary between countries, but its basis will be a legal framework which places specific duties on employers for fire risk assessment and fire prevention.



Banning smoking in the workplace could help to prevent fires

To enable an employer to understand their various duties and responsibilities under law, supporting guidance is often published by the relevant authorities. This guidance may have some sort of legal status in its own right, or it may simply be guidelines that illustrate how the requirements of the law might be met. This supporting guidance may be published by the government, or by the enforcing authority, or by some other relevant authority. It can be very useful in helping organisations and individuals understand their legal duties.

Health, Safety and Workplace Fire Enforcing Agencies/Labour Inspectors

Governments make laws and courts decide on guilt and pass sentence on those who are guilty. In between the two we have various agencies who can enforce laws, investigate, provide advice and so on.

Typical agencies include the following:

- **Enforcement Agencies/Labour Inspectors**

In many countries the government may delegate health and safety enforcement to a special agency. Such an agency is effectively the health and safety police. Individual inspectors working for the enforcement agency will have statutory powers granted to them so that they can carry out their enforcement functions. They may in some circumstances either be, or enlist the aid of, the police.

- **Fire Authorities**

Fire authorities often have a role to play – either in enforcing specific aspects of fire legislation or simply acting as advisers to employers regarding fire safety.

Revision Questions

1. In the context of health and safety, what is meant by:
 - (a) Health?
 - (b) Safety?
 - (c) Welfare?
2. Define:
 - (a) An accident.
 - (b) A dangerous occurrence.
 - (c) A near-miss.

(Suggested Answers are at the end of the course.)



Element 1: The Foundations of Health and Safety

The Reasons for Practising Good Standards of Health and Safety

Key Information

There are 3 main reasons for practising good standards of health and safety:

- **Moral reasons** – it is morally unacceptable for people to be injured whilst at work.
- **Legal reasons** – most countries have laws which place responsibilities on organisations and individuals with regards 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).

The responsibility for health and safety at work rests primarily on the shoulders of the employer. It must, therefore, 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 given by most health and safety legislation. However, there are also compelling moral and financial reasons for employers to be concerned with health and safety.



Workplace injury

Moral

The Numbers of Work-Related Fatalities, Injuries and Incidence of Ill-Health

The introduction of legislation, together with an extensive programme of publicity and advice on accident prevention, has brought about a consistent reduction in the number of both fatal and non-fatal accidents at work. However, there continues to be an unacceptably high toll in terms of death, injury and financial loss associated with incidents at the workplace.

Topic Focus

The following global statistics have been published by the International Labour Organisation (ILO) as part of their SafeWork programme (the actual figures are unimportant – they simply to show the scale of the problem):

Each year:

- There are 270 million occupational accidents and 160 million cases of work-related disease.
- Around two million people die from occupational accidents and diseases.
- 4% of the world's gross domestic product is lost through the cost of injury, death, absence, etc.
- There are around 355,000 on-the-job fatalities – half of these occur in agriculture. Other high-risk sectors are the construction and fishing industries.

The following figures, which are based on statistics compiled by the UK Health and Safety Executive, help to illustrate the extent of the problem in the UK. In the year 2008/2009:

- 180 employees were killed at work, a rate of 0.6 per 100,000 employees.
- 131,895 other injuries to employees were reported as required by law, a rate of 502.2 per 100,000 employees.

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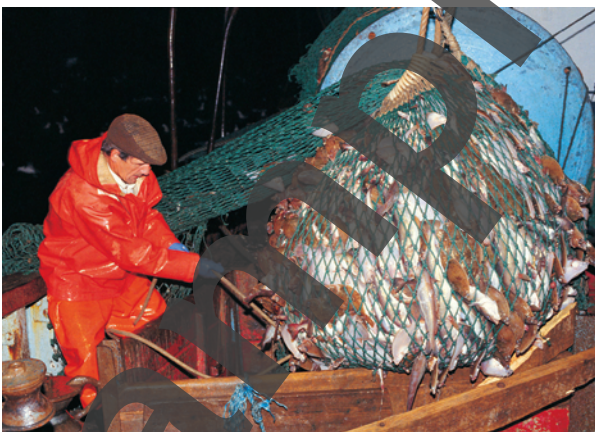
Topic Focus

(continued)

- According to the Labour Force Survey, 246,000 reportable injuries occurred, a rate of 870 per 100,000 employees. (This suggests that over half of all reportable injuries were actually reported by employers.)
- 29.3 million working days were lost:
 - 24.6 million as a result of work-related ill-health.
 - 4.7 million as a result of workplace injury.
- 1.2 million people were suffering from an illness they believed was caused or made worse by their current or past work.
551,000 of these were new cases in the previous 12 months.
- 2,156 people died of mesothelioma (2007), and thousands more from other occupational cancers and lung diseases.

All of the above statistics come with a cost attached - failures in health and safety can be extremely costly.

Remember that these figures apply to the well-regulated UK working environment. The figures are inevitably higher in a less well-regulated society, such as the many developing countries to which multinational companies are increasingly moving their production bases.



Fishing is one of the highest risk employment sectors

Legal

The Inclusion of Health and Safety in National Law

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.



Jargon Buster

Statute law

The written legal standards of a country.

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 to be responsible and actually imprison them or levy a personal fine on them.



Jargon Buster

Criminal law

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

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.



Element 1: The Foundations of Health and Safety



Jargon Buster

Civil law

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

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



Topic Focus

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 the course, but an understanding of the principle at work here 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:

- **Legal enforcement notices** – these are statements of required action issued by inspectors working for an enforcement agency. These are formal requirements placed on a workplace to ensure legal compliance. They may require that a workplace takes certain action to improve a particular situation in the workplace (e.g. a legal notice requiring that a guard is fitted to a dangerous moving part of machinery). Or they may require that a workplace stops carrying out certain dangerous activities (e.g. a legal notice requiring that the dangerous piece of machinery is not operated until such time as it has been made safe). These types of enforcement action are normally backed up with serious consequences, for both the organisation and individual, if the requirements are not met. It is often the case that if enforcement notices are ignored some more powerful type of court order can be imposed and the organisation and/or individuals concerned can be prosecuted.



Inspector working for an enforcement agency

- **Criminal prosecution** – 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 and is the main method used. An organisation may still also be prosecuted but this may take a long time.



The UK legal system includes all parties when allocating health and safety responsibilities



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, e.g. 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, e.g.:
 - 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, which is likely to be met by insurance cover and will therefore result in an increase in insurance premiums.
- **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, e.g.:
 - 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, e.g. change of process or materials and/or the introduction of further control measures.
 - 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.
 - 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** – these are 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, etc., product loss or damage, loss of production, public and/or product liability, fines, legal fees, increases in insurance premiums, etc.
- **Non-Financial costs** – these are costs which 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, and loss of public and corporate image.



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



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More...

HSE publication INDG355 "*Reduce Risks, Cut Costs*" available from:

<http://www.hse.gov.uk/pubns/manindex.htm>

HSE accident costs 'ready reckoner' is also available online on the HSE website to calculate the cost of accidents to your business.

Have a look at the EU accident prevention checklist at:

http://osha.europa.eu/en/topics/accident_prevention/checklist

Revision Questions

3. What are the consequences for an employer of non-compliance with health and safety responsibilities?
4. Name **two** financial costs arising from accidents and ill-health.
5. Name **two** non-financial costs arising from accidents and ill-health.

(Suggested Answers are at the end of the course.)



The Sources of Health and Safety Information



Key Information

- There are many sources of information available with regards to health and safety. This information can be found inside the organisation (e.g. risk assessments, internal policies and inspection records) or outside the organisation (e.g. law, guidance and manufacturers information).

Health and safety is surprisingly complex. There is a wealth of information available which needs to be consulted.

There are two chief sources of data – inside the organisation (internal) and outside the organisation (external). This information can take various formats; written, verbal or observational.



Jargon Buster

Sources of Information

Internal: Data and communications that flow inside the organisation, e.g. from person to person, department to department.

External: Information and data that has come into the organisation from the outside, e.g. from the regulators or from other organisations.

Internal

Sources of information that may be available internally would include:

- Health and safety policy.
- Risk assessments.
- Health and safety posters.
- Records of monitoring of the workplace in the form of inspections, safety tours, etc.
- Audit reports on health and safety systems.
- Incident data and reports including any investigations subsequently carried out.

Health and safety information may also be obtained internally from:

- Health and safety advisers, who are competent to provide it.
- Safety representatives appointed by trade unions or elected by employees.

External

External sources of information include:

- National legislation (e.g. regulations).
- Safety data sheets from manufacturers and suppliers.
- Government enforcing authority publications such as Codes of Practice and Guidance Notes.
- Manufacturers' /suppliers' maintenance manuals and data sheets.



There are many sources of information on health and safety with the internet being a rich resource.

Useful sources of external information include:

- The International Labour Organisation (UN).
- The Occupational Safety and Health Administration (USA).
- The European Agency for Safety and Health at Work (EU).
- The Health and Safety Executive (UK).
- WorkSafe (Western Australia).



Sample Material

More...

International Labour Organisation
<http://www.ilo.org>

Occupational Safety and Health Administration
<http://www.osha.gov>

European Agency for Safety and Health at Work
<http://osha.europa.eu>

Health and Safety Executive
<http://www.hse.gov.uk>

WorkSafe
<http://www.safetyline.wa.gov.au>

Revision Questions

6. Identify **two** internal sources of information about health and safety.
7. Identify **two** external sources of information about health and safety.

(Suggested Answers are at the end of the course.)



Summary

The key topics covered in this element were:

- The scope and nature of workplace health and safety.
- The reasons for practising good standards of health and safety:
 - Moral.
 - Legal.
 - Financial.
- The key sources of health and safety information:
 - Internal.
 - External.

Sample Material