

Are you breaking the law?

Directors in any organisation have clear obligations about protecting the staff under their care as well as themselves. It is therefore important that directors are aware of the health and safety requirements stipulated in all the legislation.

The provisions laid down in the health and safety legislation are mandatory and to contravene them is a criminal offence. If an offence is committed with the consent or connivance or neglect of a director, manager or similar person in responsibility then they, as well as the company, are liable to criminal prosecution and /or civil action.

Directors – Taking the lead

Senior management must provide positive and active leadership on health and safety matters. Current health and safety guidelines recommend that senior management boards should appoint one member to be a 'health and safety director'. This would enable health and safety to be represented at the highest level.

Management also needs to implement:

- An effective communication system.
- Integration of health and safety into work practices.
- Staff participation.

Employers responsibilities

The Health and Safety at Work etc Act 1974

As far as any employer is concerned its duties are laid down in Section 2 of the Health and Safety at Work Act. Corporate responsibility starts with the Chief Executive. However, authority for the promotion of health and safety at work is delegated through senior management to directors, managers and supervisory staff. Each person in a position of management or responsibility is therefore representing the employer.

The Act states: "It shall be the duty of employers to ensure as far as is reasonably practicable, the health, safety and welfare at work of all employees". Accordingly, attention must be paid to providing and maintaining:

- A safe place of work; that means safe machinery, safe systems, safe environment etc.
- Safe access and egress.
- Adequate information, instruction, training and supervision.
- Safe systems for the use, handling, storage and transportation of articles and substances for use at work.

In addition, the employer is bound to consult with statutory Safety Representatives appointed by the trades unions (where appropriate) and to establish, if requested, Safety Committees in line with the relevant regulations.

"It shall be the duty of employers to ensure as far as is reasonably practicable, the health, safety and welfare at work of all employees"



Essential requirements

Audits/Inspections

In order that the highest standards of safety are maintained to comply with statutory requirements it is necessary for persons in control of work places, plant or equipment to carry out periodic safety inspections. Responsibilities for these work places will vary and managers must identify specific areas to ensure an appropriate frequency of inspection which is comprehensively completed. A written procedure must be established to cover the inspection process.

In addition to local safety managers, union safety representatives also have a legal right to carry out inspections.

Risk Assessments

Under the Management of Health and Safety at Work Regulations 1999, all employers and the self employed must make a suitable and sufficient assessment of the risks to both employees and other people. Also where there are 5 or more employees the findings of the risk assessments must be recorded.

A risk assessment is basically a careful evaluation of what aspects of your working environment are potentially harmful. A risk assessment should:

- Identify hazardous events and situations.
- Consider the likelihood of those hazardous events occurring.
- Determine the nature and severity of harm from those hazardous events and situations.
- Review existing and possible control measures.
- Assess risks and prioritise actions.

“A risk assessment is basically a careful evaluation of what aspects of your working environment are potentially harmful.”



Display Screen Workstation Assessments

By law, all employers must ensure that computer workstations conform to the standards of comfort and safety as laid down in the regulations issued by the EU and the UK Health and Safety Executive.

The Health and Safety (Display Screen Equipment) Regulations 1992 provide clear guidelines for all employers concerning people using display screen computer equipment as a normal part of their working day. The objective is to ensure that correct working practices and equipment are provided for computer users to ensure they do not develop injuries such as musculoskeletal disorders (backache, neck ache etc.), visual difficulties (headaches, eye strains etc.) and other stress related problems.

All employers are legally obliged to conduct an examination of each workstation to assess any health and safety risks to the user and reduce any risks identified to the lowest extent that is reasonably practicable.



Fire Safety Regulations

The Regulatory Reform (Fire Safety) Order 2005 requires the implementation of adequate fire precautions, a detailed risk assessment and sufficient arrangements to evacuate the building in an emergency.

- All employers are responsible for fire safety; this covers fire hazards, both from work processes and activities, as well as general fire safety in the workplace.
- Employers must carry out a fire risk assessment, although this can be done as part of their general risk assessment. This will identify all the fire hazards and risks in your workplace.
- Employers need to identify all fire risks and then take steps to eliminate, reduce or control them. Fire risk assessments should be carried out by someone who has had sufficient training or has good experience or knowledge of fire safety.

Health and Safety Policy Document

All organisations with 5 plus employees are obliged to produce a policy document which contains a statement of intent with respect to health and safety at work and the organisation and arrangements for complying with it.

- This policy must be understood by staff and although there are no prescribed standards it is not generally considered acceptable to merely issue a copy of the document without some form of explanation.
- Every member of staff should be made aware of the health and safety policy document preferably during their initial induction programme and a copy must be readily available for their inspection.
- The document should contain details of the local organisation and arrangements to comply with the Policy (Fire and First Aid for example).
- The responsibility for completing this rests with the safety manager. He must ensure that written procedures are in place and that staff are aware of them and that training has been carried out where necessary.

Local written procedures are essential to provide guidance and a framework to set standards. They should be included as part of the Health and Safety Document. Procedures must be written to cover key areas and records of inspection must be kept.

“Accident reporting is a mandatory requirement.”

Accident Reporting Procedures

Accident reporting is a mandatory requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). It is therefore, essential that each company location has an accident book and that this book is reviewed at regular intervals to determine accident causes and possible trends. In addition to the accident book a report form must be completed and where necessary an HSE form may need to be completed and sent to the appropriate enforcing authority. This is the Environmental Health Department of the local authority for offices and catering facilities and the Health and Safety Executive for warehouses and industrial areas.

The purpose of an accident investigation is to establish the facts relating to the accident, to establish causes and recommend the action necessary to prevent a reoccurrence. It is essential to ensure that there is an accident procedure, in writing, which clearly states objectives including detailed information regarding the implementation of formal accident inquiries.

Every accident and dangerous occurrence should be investigated to a greater or lesser degree dependant upon the severity and the potential risk and recommendations followed up.



Control of Substances Hazardous to Health – COSHH

The Control of Substances Hazardous to Health Regulations (COSHH) 2002 focuses on good practice with regard to hazardous substances. They are designed to protect employees from risks associated with hazardous substances at work.

Working safely with hazardous substances means learning about the risks and using safeguards to avoid them.

If you use a substance at work that is labelled harmful, toxic, corrosive, irritant or flammable then you must take steps to prevent harmful exposure to yourself and others. Examples of labels used on containers containing hazardous substances are illustrated below.



Equipment

The Health and Safety at Work Act together with the Provision and Use of Work Equipment Regulations 1998 imposes a duty on the employer to ensure the provision and maintenance of equipment that is suitable for the purpose and, so far as is reasonably practicable, is safe and without risks to health.

- Responsibilities must be well defined and understood and only authorised persons permitted to operate/work on designated equipment.
- Accurate records of authorised persons are kept. Where maintenance log books exist they must be kept up to date.

Examples of work equipment include; computers, lift trucks, ladders, photocopiers, overhead projector, electric tools, both fixed and portable, hand tools and both hand and power appliances used in catering areas. There are of course many others.

Portable appliance Testing (PAT) was introduced to enable organisations to comply with the Electricity at Work Regulations. These regulations require a program of inspection and electrical safety testing of portable appliances.

Safety Representatives and Safety Committees

It is important to remember that despite their title a safety representative has no more obligations or responsibility for safety than any other individual member of staff. Management may therefore delegate tasks but they cannot delegate the responsibility.

Safety Training

The key element to a safe working environment is knowledge. The distribution and effective use of knowledge is a major management contribution to safety. If information, instruction and training were adequate then a large proportion of accidents could be avoided.

- Employees need to know not only what is to be achieved, but also how it is to be achieved. The rationale behind specific action must be explained, especially with regard to tedious and demanding precautions that are required to deal with a health hazard which is not readily apparent.
- It is not enough to declare certain safety goals. People have to be convinced of their importance and how the organisation intends to achieve them.
- Good safety training should start on the first day an individual starts with any company. It should take the form of an induction programme which must provide the minimum level of knowledge necessary to work safely.

“Responsibilities must be well defined and understood and only authorised persons permitted to operate/work on designated equipment.”



Personal Protective Equipment

All staff must be informed of the necessity to use protective equipment and clothing, where appropriate, so that the risk of injury is removed/reduced. The use of protective clothing/equipment should only be utilised when all other methods of hazard elimination have failed.

The Personal Protective Equipment at Work Regulations 1992 requires an employer to provide suitable personal protective equipment to those in his employ who may be exposed to risk at work. Instructions and procedures must be formulated giving clear guidance on the use of protective clothing/equipment. This must include the control of issue, maintenance and checking, relevant standards and staff responsibility for compliance. Directors and managers have responsibility to ensure that under law, where it is required, protective clothing and equipment is used.



Contractors

All organisations have a duty of care towards contractors or visitors to any of its premises. Contractors and visitors conversely have a duty to protect your company's staff and visitors from any danger that may be created by their contractual activities.

- A common sense approach together with a meticulous attention to detail is the best way in which a high standard of safety can be achieved. No instruction, certificate, permit or any other document can give complete protection.
- Any manager/supervisor responsible for employing contractors must ensure that a safe system of work will apply to the contractor, local staff and visitor.

"All organisations have a duty of care towards contractors or visitors to any of its premises."

Access and Egress

Management are responsible for ensuring that staff, contractors and visitors are instructed on the arrangements for safe access to and egress from work in their departments. They must also ensure that procedures and instructions are drawn up for the provision and maintenance of safe access, egress and means of escape.

Procedures must be established to ensure that employees who are required to visit other locations in the course of their work and properly informed, instructed and or trained concerning any hazards they may encounter and the precautions to be taken.

Housekeeping

Housekeeping is important as a high proportion of accidents are caused by slips and falls. The work premises must be safe and remain safe, posing no risk to health. Obstacles must be removed, dangerous wiring replaced, defective floors and stairs repaired, roads, pavements, pathways, doors etc. must all be safe.

© Data Sound 2008

Data Sound Ltd

111-113 Fortis Green London N2 9HR
tel 08456 123222 fax 08456 123221,
e-mail Info@datasound.com
visit www.ds-healthandsafety.com

