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Introduction

A few years ago, when I was working as a Government Health and Safety Inspector, the topic of my job would often provoke a reaction from people when they found out what I did for a living. The subject of health and safety is quite an interesting one for a lot of people, especially if they have had some involvement with it in their lives. Many people just wanted to hear any juicy stories about amputated arms and legs (thankfully there were not many of these to talk about!) and gruesome diseases that I had come across (again, I'm pleased to say that these were few and far between.) Other people asked for advice on a 'little problem' that they had at work, such as it being too hot/ too cold/too cramped or the fact that they had to use the factory next-doors' toilet as their employer refused to repair their own one. There were sometimes displays of scorn or indifference from the employee who thought that the Nanny State had, yet again, gone too far and that the government was spending too much time banning games of conkers than running the country. But one of the most regularly repeated comments by a variety of the people I came across, in social and work environments, was that 'health and safety' was boring and difficult to understand *as there was too much of it* and, as an employer or someone with health and safety responsibilities, they did not know where to start. There seemed to always be the argument that it consisted of a never-ending stream of laws and Regulations, followed by amendments, with too much time and money needed to put things in place, and too many conflicting opinions and no easy and credible source from which to get a coherent answer. With that mentality it is not really a great surprise that many companies want to bury their heads in the sand and hope that the spectrum of health and safety is something that they can put to one side until tomorrow, or next week, or next year, and it stays that way until unfortunately disaster strikes and they find themselves in court defending a breach of law that they never even knew existed. The reason for writing this book therefore, is to help those people to access the information that they need to put the necessary procedures and preventative measures in place to safeguard the safety and well being of themselves and their employees.

So why should we bother with health and safety? The latest figures show that in the year 2009/10 the number of work-related deaths in Great

Britain was 152, a rate of 0.8 per 100,000 workers. Just under 300,000 other injuries were thought to have occurred that were classified as being reportable to the Health and Safety Executive, although that does not take into account those accidents which happened which were not reportable. There were 28.5 million working days lost, with 23.4 million days lost due to work-related ill-health, and the rest due to a workplace injury. An estimated 2 million people are suffering from problems which they believe to have either originated from their jobs, or which are exacerbated by the work they do - about three quarters of these cases of ill-health are attributed to back problems or upper limb disorders, and stress.¹

Thousands of people still die each year from work-related diseases - the most common probably being that from exposure to asbestos. The Health and Safety Executive estimates on its website that there are between 3000 and 12000 deaths each year from occupational cancer, with some 4000 of those probably being asbestos related. That figure is almost sure to keep rising, with an estimated peak level projected for the years between 2011 and 2015. Less people under the age of 55 are dying from mesothelioma (a form of cancer affecting the lungs and other organs) these days which suggests that better controls have been in place in recent years, but the country is still suffering from the consequences of the (known and unknown) dangers of the past. Protection against common day hazards and hazardous materials is vital if we are to avoid these debilitating and painful causes of death for future generations. No deaths are acceptable - we go to work to earn money to live, not to lose our lives or become injured or un-well. It is therefore imperative that health and safety matters are taken seriously.

Another important point to mention is the cost of not complying with health and safety law. For cases taken to court by the Health and Safety Executive in 2009/10, the average penalty per conviction was £15,817. For a small company, this sort of loss can lead to severe financial hardship, especially if there are the prosecution's costs to pay on top of this, and compensation payouts to victims and/or their families.

¹ All statistics taken from www.hse.gov.uk/statistics

Aside from all the doom and gloom, there are numerous benefits to be experienced by companies who take health and safety seriously and apply it as an active, integral part of their daily work-lives. A positive health and safety culture boosts moral and in turn makes employees feel valued and looked after, which helps to increase their general well-being and attendance at work. Having a good health and safety management system can reduce the amount of accidents/ injuries/near misses and reduce the number of lost working days. Employees may be fitter and more able to do their jobs, with a reduction in the length of time that they need to stay off work after an injury. A big bonus for some companies may be the money aspect –depending on your insurer there may be cheaper (or at least no increased) insurance renewals and a reduction in civil claims. Having a structured approach will enable you to document where you stand as an organisation and give you better data for auditing and benchmarking (against yourself or other companies.) It will also show that there is commitment coming from ‘the top’ and is therefore an assurance that management are taking health and safety seriously. And finally, anyone can check the Health and Safety Executive’s website to see if you have any enforcement notices or prosecutions against you, so if you have a clean slate it can help you to get picked over other contractors when bidding for contracts, for example. Now doesn’t this sound good?

Change can be difficult - but with the right approach it is possible to get even the most cynical of people on board. From my experience, the best thing to do is to say what you are going to do AND THEN DO IT.

People tend to become cynical and disbelieving if they have heard things before but have never seen them come to fruition. Measures such as giving employees enough information as to why the change in culture is necessary (and how it will benefit them and the organisation as a whole), and also letting them have input into how it should be implemented, along with clearly defined steps as to how it will be done and what is expected of them along the way, is a good place to start. Of course, if you are thinking of starting a business, or have yet to take on any employees, you can aim to get it right from the beginning.

A good thing to remember is that, once you have everything in place and up-and-running, it is basically a case of making sure that everything is working and that you review and update your policies and procedures as necessary. Of course, there will always be change in your working practices,

equipment or people that you employ, as that is the nature of business, but you should have enough knowledge and confidence to not be flummoxed by this, and will instead know where to go to get the information that you need, and will understand what you need to do with that information to update your health and safety management system. Health and safety law is introduced in the UK in April and October of every year, so it is worth keeping an eye out to see what may affect you in the months leading up to these dates so that you can be ready. The list of contacts for further information at the back of this book can point you in the right direction for finding out more information.

The manufacturing base has declined significantly in this country in recent years, perhaps because it is cheaper to manufacture and transport from abroad than to do so in this country. Small to medium-sized enterprises (SMEs) have become more prevalent and have become a large part of industry in Great Britain. Amazingly, 99% of the businesses in the UK have fewer than 50 employees.² There are several different calculations as to how many employees/amount of turnover constitutes an SME, but in this instance I have chosen 0-249 employees, although some definitions define one as having 1-49 employees. Perhaps due to the smaller numbers employed by some employers, less than 30 % of the workforce now belong to a Union - this is why it is necessary for companies to have nominated health and safety representatives from within the workforce to represent the views of employees and have help towards creating a good knowledge base of health and safety within the company. Health and safety is a changing environment- the risks seen these days are completely different in some industries to how they used to be years ago, in particular stress and musculoskeletal disorders (MSDs) are now playing a large part in the different risks to which workers are exposed to and therefore it is necessary for companies to keep pace with new hazards and the control measures available as they arise. It is often the case with SMEs, perhaps due to a lack of resources (personnel finances and time) that they do not have a person dedicated solely to delivering health and safety commitments, or access to

² www.hse.gov.uk/smallbusinesses/faqs

specialist help to enable them to do so, or that they do not feel confident in tackling the relevant issues themselves. This book is for those categories of people or organisations, and I hope that by the end of it you will feel that, with a bit of work, it really is not that bad after all.

The aim of this book is to show how health and safety law affects employers, employees, self-employed, contractors, and in certain cases the public and those not employed by you, but who may be affected by your work activities, and what is required of you as an employer and/or employee as you may be both. Where I have specifically written 'you' please take this to mean you as the dutyholder, i.e. the person or organisation with health and safety responsibilities and overall duty of care for the workplace and the persons contained within it or affected by it. The basics contained within this book will, in most cases, apply to all companies and places of work which employ people and who have people on site. This book doesn't cover regulations that are specific to construction or farming, or law that is not common to most industries, as there would not be the space to include everything. A brief reference to the new Construction Regulations is made further on in the book. No one book of this size will tell you everything that you as a company or individual will need to know, as every company is different with a varying workplace and activities and new legislation is frequently introduced, but I hope that you will use the information contained within it as a useful building block for creating your own individual health and safety management system and culture, whether you read it from cover to cover or just go straight to a specific section should the need arise.