

Employers responsibility for health and safety



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Examine how an employer's responsibility for ensuring health and safety of employees has changed in the transition from industrial to post- industrial systems and consider how stress, depressive disorders and harassment have become increasingly significant issues in the context of labour protection.

Introduction

In modern era belief of every organization is to provide safer working place in comparison with past industrial period. It means workers can do work at minimize risk and as concluded it is clear that most of the regulations regarding this concern is redundant.

International Labour Organization (ILO) and World Health Organization (WHO) has stated that maximum degree of physical, mental and social welfare of employees has promoted and maintained by health and safety measure at work in every sectors of an economy: - by providing better working conditions to employees will be the cause of securing changing from one place to another by workers because health related problems., securing employees from various factors those are able to put negative impact upon health, provide adequate work environment by which an employee can adjust him or herself in terms of physiological and psychological abilities to employees and precise how employees can adjust according to nature of work and job.

In the context of Union complete explanation has been presented regarding this concern of Health and Safety that covers topic of minimizing the condition of accidents on work place and anticipation of disease for the purpose promotes welfare of employees. In the Article 153(1 and 2) TFEU

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presents the capability of European Union to intercede regarding this particular matter, by which council has right to provide sufficient and effective working condition for the purpose to secure health and safety of workers by adopting various means of guidelines, improvements in working environment (Single European Act 1986 specifies this particular provision). Enormous scope has developed by this regulations that determines the policy of health and safety which is originated by the European Union that enable to protect minimum standards to secure welfare of employees.

After the enforcement of the Single European Act in the year 1986 directed towards the modern impulsion of securing health and security steps has adopted by the board of this committee. In treaty of EEC, under the new Article 118A EEC there is an operational provision which provide instrument to deal with health and safety at work very first time.

By this Article Ministry can emphasize upon the guidelines that determine to secure health and security at work. Under Article 118A now Article 153(2) TFEU presents what are the minimum standard securing health and safety at work. On behalf of this principle, standard of protection has been lifted by the Member States form the minimum standards. Therefore on behalf of this strategy Member states may not able to introduce inflexible measures for the purpose to secure favour of employees in terms of health and safety.

Development of Laws:

Health and Safety at Work Act 1974

Health and safety at Work Act that covers occupational health and safety in the UK. Broad obligations enforced by this Act for protecting health and <https://assignbuster.com/employers-responsibility-for-health-and-safety/>

safety measures of employees and of others such as producers, suppliers and etc.

The prior responsibilities of employers:

For all their employees provide health and safety measures and well being of employees.

Development of written policy declaration that is able to clarify how they can plan their future actions.

Consultation between unions and reps.

Secure the favour of other linked company and contractors.

Duty and responsibilities of employees

Make sure that you are not working at risk and secure others from this situation.

Cooperation is must with arrangements which are developed by employers for the purpose to protect safety and health.

Supplementary health and safety responsibilities follow by the manager or supervisors. Where you are working, at this place make sure that your employer is able to provide sufficient safety and security measures without failing susceptible. Furthermore effective support can be share with rep of Health and Safety.

Safety Representatives and safety Committees Regulation 1977: -

Under these regulations, in exception this context demands - the 1974 Act means the Health and Safety at Work etc. Act 1974:

(1) In these Regulations, except the context otherwise requires -

“ The 1974 Act” means the Health and Safety at Work etc Act 1974;

Employment Protection Act 1975 is represented by Act of 1975: section 53(1) of the 1974 Act is able to present the meaning of employees and accordingly an employer is able to interpret it: trade union which is recognized:

In the section 30(1) of the Trade Union and Labour Relation Act 1974 has describe about an independent trade union.

In the section 29(1) of the Act, that is able to represent the concern of employers in terms of negotiations that related with more than one negotiations and its purposes is for those people who are employed by him, there were some recommendations that have been placed by the services of pacification and adjudication and all above comes under Employment Protection Act.

Under the section 15 of this Act: particular person which is appointed by an employer for the purpose to ensure safety regulations under Regulation 3(1), he or she is re-preventative of safety: under section 53(1) of the 1974 Act it is clear that all those aspects comes under welfare at work those are utilize for the purpose to ensure health and safety measures on work to promote welfare of employees.

For the purpose to provide duty and consultation require duty of an employer:

According to the section 2(6) of the Health and Safety Act 1974, this is the responsibility of an employer to appoint a safety representative for the purpose to ensure:

Factors those are able to put impact upon employees and all related with health and safety measures and take of that has taken by the safety representative.

Under the regulation 6(1) and 7(1)(b) of the Management of Health and Safety on Work Regulation 1992, it is clear that safety representative will arrange a person to ensure safety and health measures.

Under this Act there is a provision available and that clarifies that a representative is that person who is responsible to provide required information related with measures of health and safety to employees.

Under the specified provision of this Act it is clear that safety representative is responsible to provide suitable training to employees.

Under this Act this is the responsibility of safety representative is to provide adequate introduction about the technology.

(2) Under the section 2(4) of the 1974 Act, a safety representative is require to execute further functions of an organization and that must be appointed by an employer.

(a) This particular regulation has come into existence under the Management of Health and Safety at Work 1992, currently Management of Health and Safety at Work Regulation 1999 has taken place of previous one.

(b) Now it is agreement with 7(1) and 8(1) of the Management of the Health and Safety at Work Regulation 1999 on other hand Article 13(3)(b) of the Regulatory Reform (Fire Safety) Order 2005.

The Workplace (Health, Safety and Welfare) Regulations 1992

Extensive range of basic health, welfare issues and safety measures comes under the Workplace (Health, Safety and Welfare) Regulation 1992 and all are enforceable on every aspects of working field under construction developing site related with underground mine or work on shipping fields and are far from these regulation. Modification regarding this regulation has been laid down on behalf of the Quarries Regulations 1999, all above mentioned sites which are far from the Workplace (Health, Safety and Welfare) Regulations 1992 comes under different regulation such as: the Health and Safety (Miscellaneous Amendments) Regulation 2002, working on Height Regulation 2005 and another is the construction (Design and Management) Regulations 2007.

On behalf of above different and important regulations we can say that all are emphasize upon effective regulations on working site or work place.

Duty of employers or requirement under these regulations:

Under section 2 of the Health and Safety at Work Act 1974 clearly outline the duty and obligations of employers towards employees in terms of providing

safety and health protection and by promoting wellbeing on work. People are responsible for other people or employees who are working in their sites and it is clarify under section 4 of the Act that it is the duty of people who own that particular site or premises. On behalf of this regulation duties of employers enlarge for the purpose to secure health and safety measures on particular working location and by this way this regulation is also able to provide sufficient facilities for maximizing wellbeing of employees on particular working location. People who are disabled or not able to do work with common employees but by this regulation they are enable to get benefits of proper health and safety measures and requirement of welfare. According to the Regulation 2(3), it is certifying that every employee is able to get benefits of that and it is suitable for all people, who works in particular working environment. Under this regulation it is mentioned that basic requirements for people who are disabled and all these facilities includes availability of passageways, stairs, wash-handbasin, shower, lavatories and workstations.

Workplace - This regulation is applicable for all type of workplace that included production space, offices, shops, medical institutions, hotels and entertainment spaces and many more. On other hand workplace are also included buildings in sharing, roads which are private, industrial path's ways, IT parks and business parks.

The meaning of work is an employee or a person who is able to find self-employed.

The meaning of premises of a place is that one, which is outdoor.

Safety, wellbeing of employees, health on place of work: managers who are available for short direction.

Premises which are domestic: place where private development is going on. Domestic premises are far from this regulation. Hotels, nursing homes, work environment and its parts where employment is available for staff and there all these regulations are applicable. Employer is liable only for his premises over which he has real control but that does not absolve him from the duty for ensuring for a safe system of work on the another premises.

Person who is disabled: the meaning of disabled person is specified under section 1 of the Disability Discrimination Act 1995.

All above laws and regulations are able to define how duties and responsibilities are changing from past industrial situation to modern industrial environment

Therefore according to the Health and Safety management what are the responsibilities of employer towards employs? Here all health and safety measures are available for the purpose to maximize the control upon responsibilities by employer and direct towards improvement by which employees can enhance their health and safety measures.

Leadership of health and safety: - if top management is active then it is sure that effective performance of health and safety can be establish there. For this purpose people who are available to provide health and safety measures training, ensure that all are properly aware about this particular procedure.

Policy of health and safety: for the purpose to establish effective measure of health and safety and for further improvement, this is the responsibility of an employer to direct strong and effective policy of health and safety.

Assessment of risk: it is most important responsibility of health and safety manager that regularly find available risk and make sure that solution for every kind of panic situation is available and always try to maintain sufficient working environment where any new hazard situation should not be happen.

Find sufficient resources for health and safety: try to develop resources those are able to secure positive performance of health and safety.

Make availability of staff for training purpose: for the purpose deal with uncertain situation and for future development of performance of health and safety, there should proper recruitment of training staff. Therefore employer always install new people for training purpose:

Recruitment of new staff

Join people with additional responsibilities at work.

New and dynamic staff that are near to situation of accidents.

Representatives of health and safety.

Consultation with staff: - for the purpose to secure measures of health and safety, consultation between employs and employer is require. It means that provide proper direction and guidance to employs. For this purpose there should be preparation of checklist to ensure employs are in right direction means towards proper health and safety measures. For this employer must

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execute reps and health and safety managers. These reps and managers are always available for to give conclusion and decisions regarding this concerns.

All these measure of health and safety comes under directed Laws and regulations, thus all above measures should follow and apply all these measures of health and safety for the purpose to ensure favour of employees.

There are two ways available by which a person is able to get satisfaction in his or her life but in other situation means if these two domains are situated with a person that will be the cause of stressful experience in life. Because of globalization economy of every nation is changing dramatically and able to generate new sources of jobs in terms of full time, part time and as self employed. Due to this changed environment of an economy, structure of work has also changed. In other manner we can say that due to increase in work load and changing pattern of work is the cause of stress and disorder. Means if employees are not able to meet with required performance on job it clearly shows the job insecurity that is also causing of disturbance in mental health. So it clearly indicates that increasing work pressure is related with increasing stress and disorder. There is negative impact upon employees mental health, performance at work and physical situation of employees and it is not enough because of that personal and family life is also suffered and later prospective for liability of employer. Because of the psychological disturbance an employee face lots of problems such as addicted to alcohol and negative physical symptoms.

According to health and safety executive, the management standards include the variables that controls and manages the issues related to the stress at work. The management standards do cover the following causes that are related to the stress at work. They include:

Demands: the demand includes the work load, the shifts and work patterns and the environment at the workplace.

Control: it includes the authorities that the people have at work.

Support: it is the positive variable that includes the motivation power to encourage the worker that is given by the organisation, for example it includes the incentives that the worker is given by the organisation when worker does something good for the organisation.

Relationships: it provides the positive working environment to avoid the growth of any kind of conflicts in the organisation that affect the work conditions and work environment at the work place. It also controls any kind of unacceptable behaviour in the work place.

Role: it includes the behaviour that the organisation should ignore having any conflicting roles and therefore not to have any conflicting roles, the worker should understand their role in the organisation.

Change: the change required from large to small or from small to large, how these organisations are managed and how the communication travels successfully in the organisation.

The management standard does work in step by step process which involves the assessments in relation to the risks that are involved in an organisation. The surveys and questionnaires are used to assess the various psychological variables. The assessments done to overcome the risk involved that is related to the work stress includes and involves 1). To identify the characteristics that is related to the stress at the work, 2). Help the employers to stress upon the causes that are related to the stress at work and how to prevent such stressors at the work place.

According to Parkes (1998), it talks about the stress and other psychological factors affecting the health of the workers. The study compares the onshore and offshore people and offshore workers experience more level of anxiety, sleeping disorders and more work pressure than onshore workers. The study also emphasised the importance of the fact that work conditions, work areas, organisations differences in relation to the set up and also subjective differences like age and personality do play an important role in health and safety issues and also the health behaviour in achieving the health and safety. The study also laid importance on the need to have more research in the area of offshore workers and also the need is required to have the prospective studies.

According to health and safety at work place (2000), the research done to provide the incentives according to the rules of the legislation, the economic incentives should be given in to every sector but sometimes it is not much enough to motivate the employers and to encourage them for improving upon the health and safety measures at the work place. The principles that applied to the labour protection includes: 1) to see and supervise the work

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environment on the basis of the work load, 2). Provide protection and to provide health and safety against any kind of danger, 3). Provision of the emergency aid and to have first aid kit in the organisation, 4) the training and the information should be given to the employees before the new employer starts up the work.

Stansfeld et al., (2003) did a study on the anxiety and depressive disorder on the basis of clinical interview schedule revised (CIS-R) was one of the disorder that was found among men and women but in most of the cases, it is found more among the women. It is an most occurring type of neurotic disorder under various occupations such as textile industry, garments, security type of occupations and out of which generalised anxiety disorder (GAD) found to be more prevalent.

Therefore it is already defined by the health and safety authorities of European states that major risk is located with working in stressful situation that is also located with handlings of manual, some changes in working structure of an organization and employs that are young and risk factor is more with them. New risk was also identified in the seminar which was held in last year that risk is also situated with health and safety at work. This issue has also discussed in European parliament that number of risks are associated with health and safety of employs because of stress and disorder and solutions of that, it has discussed in The " quality of Work" seminar, held in Bilbao in April 2001 and this seminar was organized by Agency of the Swedish Presidency and the European Agency for safety and Health at Work. Now it Social is clearly indicated by the European Parliament and the European Economic and Committee that all issues are related with wider

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attention require regarding this concern. In reality stress is related with mould of emotional, cognitive , physiological reactions and behavioural reactions as well and on behalf of that employs are not able to manage daily life included working life as well as personal life. Even because of that working atmosphere is also disturbed.

Thus the commission is also worried regarding this concern and continuously working with number of organization such as European Union trends, priorities towards nation and for some another alternatives which have been defined by the institutions of EU. For the purpose to find solution of this risk and concerns commission is trying to find different alternative ways to resolve it or to minimize it. Therefore regarding this concern there is procedure to develop a strategy which is going on to minimize the risk of stress on work is going on and Commission is also working with guidance of the European Social Agenda and which was authorized by the Nice European Council in the year 2000 and this strategy will be based on how organizations can manage their employees in stressful situation. Regarding this concern the main thing is to find appropriate solution of that and try to find new risks which are associated with that.

Regarding this concern Commission has already archived some sort of success to find alternatives to minimize stress on working environment which has been in the year 2000 the comprehensive document guidance on work related with stress. On behalf of this guidance organization and employees are able to do job in right direction. And by this way guidance is also available to find problems and solutions and reasons of stress. It has developed a proper and flexible way by which an action can be taken

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immediately. And also organizations which are working on national level are also handling the situation according to this guidance. The main motive of this step is to take prior prevention not to find suitable solution for that.

On behalf of this step which has taken by the Commission and also new developments and initiatives has been discovered by them. Pressure of stress has been consider major concern because of the announcement of the long terms strategy investment in high quality jobs and standards of living and that step has been taken in the year 2001. Later some developments has been made in that directions, in the year 2002, the task has been given by the European Commission to the European Agency and that task was related with safety and health at work and that task knows as the European Week and that is related with stress that is related with work. Under this step it is assured by the European Commission that prevention can be taken in further development. In this task stakeholders from all around the work has been participated in that task. And later new community strategy on health and safety has been set up for the purpose to give new directions regarding this field.

Stress on work considers as non-trivial and it is rework attitude of the people and due to that quality of life and health injuries can be faced by employees. Working in stress full situation has been seen as major issue in European Union and we can say that it has become a challenge in front of the member states of EU. But the main concern of the Commission is to enhance the life of employees in terms of providing safe working environment and also built strong image of an organization in terms of providing sufficient quality measures. A survey which has done by the Foundation of Europe 1996 and <https://assignbuster.com/employers-responsibility-for-health-and-safety/>

2000 and this survey is related with working conditions, it has presented that 28% of the total employees filled complaint against problems those are cause of developing stress full situation and later by musculoskeletal it has presented that this data is nearly 30% and 33% respectively. According to the Cox et al, 2000 stated that somewhere around 50 to 60% employees walk out from their jobs because of stress problems.

Because of that company or an organization has to face major problems in terms of human suffering and decreasing performance of economic conditions. Low morale of workers, turnover of labour, increasing absenteeism, walkout from jobs is the cause of increasing mental and physical health. Performance of employees is also related with mental and physical situation of workers.

All around the world, situation is related with stress and disorder that is faced by employees and because of the different situation or increasing work load this has become broad issue and also it have been visualize by the media and socially governing bodies. Therefore for the purpose to secure the favour of employees in terms of health, safety and then on behalf of all these, the above measures are performed in an organization.

Conclusion:

From post-industrial environment to modern business environment, European Union and their member states has introduced various laws and regulations for the purpose to define responsibility of employers in terms of securing health and safety measures in an organization. First time, The Health and Safety at Work Act 1974 was introduced by the EU and that law <https://assignbuster.com/employers-responsibility-for-health-and-safety/>

clearly defines role and responsibilities of employers towards employees. This Act has introduced to ensure five main objectives and those are already discussed in above section of this report. Later for the purpose to ensure development into existed working environment, further developments have been made in terms of modification of previous acts and laws. Later Safety Representative and Safety Committees Regulation 1977 have been introduced in terms modification of previous act. Then, The Workplace (Health, Safety and Welfare) Regulations 1992 was enacted by member states of European Union. Interpretation of all above mentioned acts are able to define what are the duty and responsibilities of employer towards protecting favour of their employs in terms of ensuring health and safety measures and also to protect health of an organization in positive manner.

Management of stress and mental distress depends upon effectiveness of policies which has developed by an organization itself, by providing training to line managers and through close relation between employees and health practitioners. Rising mental distress in an organization and disgrace which is attached to it therefore all comes under economic environment. For the purpose to ensure health and safety measures and stress level in an organization, only line manager is not involved in that process. Thus it shows coordination among each and every department in an organization. Simply it shows that if employer, line managers, reps, HR and health practitioners are able to work together in one roof in difficult economic environment and by this way employees will definitely be able to get support from their superiors to manage stress and mental disturbances. Therefore we can say that on

behalf of these preventive measures, operation of an organization will be able to run smoothly.

In an organization the support of line manager is available to manage stress level for the purpose to prevent negative impact upon employees but it is not sufficient with this support, employer guidance and support is required to protect favour of employs in terms of ensuring mental distress.