

Employers and employees have their role construction essay



**ASSIGN
BUSTER**

Every employer shall, so far as is reasonably practicable, ensure the safety, health and welfare at work of all his employees by providing and maintaining any plant or system of work, any place of work under his control safe and without risks to health. Moreover the use, handling, storage or transport of articles or substances must be safe and not harmful to health and he needs to provide and maintain adequate facilities and arrangements for the welfare at work of his employees. Adequate information, instructions, training and supervision is necessary for the safety and health of his employees and ensuring that any person in his employment is not exposed to any risk is essential. In order to enable the employer and employee to cooperate effectively in promoting and developing measures to ensure health and safety and checking the effectiveness of the measures in place, consultation with representatives of employees sitting on the health and safety Committee is encouraged. According to section 6 of the OSHA 2005, when 50 or more employees are employed, a written statement of his policy with respect to the safety and health of his employees and a record of the arrangements made in respect of the statement in a register is required. Moreover, an appropriate provisioning of resources, having regard to the nature of his activities and the size of his undertaking for the effective planning, organization, control, monitoring and review of the preventive and protective measures is necessary. On recruitment or when being exposed to new or increased risks, or the introduction to a new plant or charge, adequate safety and health information, instruction and training must be provided to the employees. Procedures in relation to fire, explosion, and release of hazardous substances shall be in place and appropriate persons must be appointed to implement such procedures and ensure the evacuation of the

<https://assignbuster.com/employers-and-employees-have-their-role-construction-essay/>

employees from the place of work. Any area of the place of work to which access is restricted on grounds of safety and health shall not be accessed by any employee unless those have received adequate safety and health information, instruction and training. Special duty of employer regarding machinery and risk assessment is discussed in 2. 2. Young person must not be employed in any activity that is deemed dangerous and risky. Every safety and health officer shall be provided, by the employer, with sufficient time and adequate resources to enable him to perform his duties and be handled a register for the purpose or recoding his findings and recommendations after any inspection or when discharging any of his functions. In the case of Talbot Fishing Co. Ltd V OSHI, Talbot Fishing was convicted by the industrial court and sentenced to pay a fine of Rs 3000. The charge was that it failed to ensure, so far as was reasonably practicable, the safety at work of two of its employees who sustained injuries. The two employees were cleaning a generator with an inflammable liquid and due to a blast they fell in a hole. The fire broke out as a result of a blast caused by welding work which was being carried out in the engine room. Talbot Fishing caused hot work to be performed without having the necessary permit and risk assessment carried out and failing to take measures to ventilate and remove vapors of inflammable liquid in the engine room. Such dangerous works were carried out at the same time without proper supervisions.

Employees

Employees are also responsible for their own safety and health while at work and shall cooperate with their employers and wear or use any protective equipment or clothing provided to them to prevent injury. In case of loss or

destruction of such equipment or clothing and any bodily injury sustained by him as a result of an accident while at work it shall be reported to the employer. Guards on the machinery need to be respected and reports made to their representatives or employer about any situation they believe is a risk to his health and safety. According to section 15 of the OSHA 2005 the employee may also file a complaint to the Permanent secretary in case of any breach under the OSHA which might adversely affect his safety and health and such complaint must be made in good faith. Duties also exist for those who are self-employed[1]and against designers, manufacturers, importers and exhibitors[2].

Risk assessment and risk management

The future is unpredictable due to randomly occurring events which influence in random ways the society, individuals and businesses. With the endeavor to have a better control of things, man has studied factors contributing to several events, and with time, he basically found that the occurrence of some events can be predicted and the impact of some can either be quantified or qualified so as to give a reasonable measure of scale. Such events have been termed ' risk'. The common opinion about risk is that it can be a threat or an opportunity: therefore it is neither good nor bad. Nowadays complex operations and machinery has led man to seek to mitigate risks for the benefit of everyone.

“ The continual and fast development of the technology, has given rise to a high level of risks and uncertainties. Thus various industries use different quantitative and qualitative techniques in managing and simulating the effects of risk in their operations. Thus the need for safety: financially or the health of employees, public and environment has made many companies to use risk management process” (Motah, 2008).

Mauritius is a small developing economy from which many companies have failed to recognize impending disasters could have been avoided if necessary measures had been taken in time. In fact, most local companies are not using appropriate tools, methods and processes to manage their growth which often go in hand with escalating risk factors. In addition, adequate and relevant training with regards to safety at work are not provided to personnel. As the business leaders vouch only by profitability, the price to pay has been very high. For the past five years, the level of incident and injury has been relatively high and the severity of injuries ranging from ‘ minor’ to ‘ fatal’ (death). The main objective of risk assessment is to determine the measures required by the organization to comply with health & safety legislation thereby reducing the level of occupational injuries and ill health. The risk assessment will need to cover all those who may be at risk e. g. customers, contractors or members of the public. Risk assessment is not only concerned with injuries in the workplace but also needs to consider the possibility of occupational ill health (chemical, biological, physical, psychological). A general risk assessment should reveal the significant hazards present and the general control measures that are in place. Such risk assessment should be first completed and then followed by more

specific risk assessments that examine individual work activities. Risk assessment by the employer[3] shall be carried within 30 days of operation of his undertakings. Suitable and sufficient assessment of any risk to the safety and health of his employees at work, or any person in connection with his undertakings, need to be implemented. Such assessment shall be reviewed not later than 2 years or earlier where the Permanent Secretary has been informed or due to a significant change. The employer must implement such measures as are necessary to meet any inadequate measures regarding health and safety. A register to record the findings of the risk assessment and any group of employees identified as being at risk must be kept by the employer. Section 12 of the OSHA 05 deals with the measures the employer shall undertake in case of the exposure to serious and imminent danger. In the case of OSHI V FRANALEX LTD , the accused stands charged with failing to make a risk assessment in breach of s 10(1)(a) coupled with s 105(1) and s 94(1)(i)(vi) of the OSHA. When a health & safety officer affected a visit to the company, the director said that no risk assessment has been carried out while the factory was operated by 7 employees. The accused company also failed within 30 days of the coming into operation of the OSHA to make suitable and sufficient assessment of any risk to the safety and health of its employees whilst he is at work. But due to information not valid in law, the charge against the accused was dismissed. Insert figure 2 in regulations for health and safety. Five steps to risk assessment

Errors , violations and negligence, the main causes of accidents

‘ An error is an out of tolerance action, where the limits of tolerable performance are defined by the system’.

Swain and Guttman 1983

Sometimes accidents may occur due to an error or due to negligence. A human error is an unintended failure of a purposeful action, either singly or as part of a planned sequence of actions, to achieve an intended outcome within set limits of tolerability pertaining to either the action or the outcome[4]. A human error occurs if:(a) There was no intention to commit an error when carrying out the action,(b) The action was purposeful,(c) The intended outcome of the action was not achieved within set limits of tolerability. Violation is one of the main causes of accidents on the place of work nowadays. It is the ‘ intended action that has taken place in breach of a set of rules, whether or not these rules are written down, have been developed as part of custom and practice or are implicit within the situation itself’[5]. A common response to violations by management is to identify the culprit(s), allocate blame and impose sanctions to discourage future violations. Errors can occur at almost any level of an organization, but tend to take place within operational management positions involving executive decisions. However, these decisions may in turn be influenced by cultural factors originating at company director level. Whether there has been an error, negligence or violation, irreparable consequences may arise.

Industrial Injury Statistics

Work accidents by month and year of occurrence and sex of injured worker[6]

Work accidents occurred by age group and sex of injured worker

Comments for (a) & (b)

Work accidents occurred by economic activity and type of accident

Comments for (c)

Work accidents occurred by economic activity and nature of injury

Comments for (d)

Work accidents occurred by economic activity and bodily location

Comments for (E)

Work accidents occurred economic activity and material agency

Comments for (F)

Industrial Injury Benefits by type of allowance

Industrial Injury Benefits by amount paid per financial year

Industrial Injury beneficiaries by type of allowance

Comments for (g), (h) & I

2. 4 Investigation and reporting of offences and crimes

As per section 98 of the OSHA 2005, the Minister has the power to appoint a competent person to carry out an investigation concerning any accident or dangerous occurrence at any place of work. If an employee dies or suffers any injuries or where there has been a dangerous occurrence, the employer must notify the Director, Occupational Safety and Health as quick as possible and within 7 days send a report to him in the prescribed form[7]. The employer also has to keep records of all accidents and dangerous occurrences. Occupational diseases must be reported to the Director in writing and in the prescribed form. After reporting, an investigation is going to take place. Incidents and accidents should be properly and thoroughly investigated to allow the organization to take the appropriate action to prevent a recurrence. An investigation is not intended to be a mechanism for apportioning blame. Valuable information and understanding can be gained from carrying out accident/incident investigations. For example, this will help understand how and why problems arose which caused the accident/incident and the ways people are exposed to substances and situations which could cause them harm and indentifying deficiencies in the control of risks in the

organization. Moreover investigations will help to know whether the organization has been complying with the legal requirements. Investigations can be carried by the supervisors, line managers and any person appointed by the minister. It should be carried out as soon as possible after the incident to allow the maximum amount of information to be obtained. The four basic elements to a sound investigation[8]: Collect facts about what has occurred Assemble, and analyze the information Compare the information with acceptable industry and company standards and legal requirements to draw conclusions Implement the findings & monitoring progress. Investigations have 3 facets; direct observation, documents reading (records), and interviews. It is essential that a follow up is made to check on the implementation of the recommendations. The investigation should be used to generate recommendations and safety awareness. The investigation report (summary) should be circulated throughout the organization.

2. 4. 1 Statistics from Health and safety inspectorate