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Assignment1 – Health and Safety Legislation and Responsibilities.

Comparingboth Plymouth City College and Babcock, Plymouth Dockyard as two engineeringenvironments in regard to current health and safety legislation, looking intothe responsibilities of both employees/students and employers. Additionally, exploring the penalties given if the employers do not abide by these laws.    Employees and employers have a duty of care to follow the ‘ Health and Safety at Work Act 1974’ when in an engineeringenvironment. This entails a legal responsibilityto make sure of your own safety and others, working with or around you. Thisalso involves others that may be affected by what you’re doing (Hse. gov. uk, 2017). It is an employer’s dutyunder health and safety law to protect the health, safety and welfare of boththeir employees and others, who might be affected by their business.

Everythingreasonably practicable must be done by the employer to accomplish this. Furthermore, employers must also give adequate information on the risks in theworkplace, how you’re protected from them, and must also train you on how todeal with said risks if and when they arise. Again, by law, the employer hasthe duty to assess risks in the workplace and carry out risks assessments whichaddress all potential risks that could cause harm.

Additionally, employers mustconsult all employees on health and safety issues either directly or through asafety representative that is either selected by the employees or appointed bya trade union (Hse. gov. uk, 2017). Employees/students must apply the appropriatebehaviour and be attentive in the workplace, through both training and workingroles. They also have a duty of care of their own health and safety and otherswho may be affected by their actions. Along with this they must not tamper withany equipment, such as PPE, that has been provided to protect them. Tosafeguard the welfare of people at work several legislations have been put inplace:’Management of Health andSafety at Work Regulations 1999 (as amended in 2003)’ (Hse. gov.

uk, 2017) thisrequires employers to assess risks and be aware of all the ‘ main’ risks in theworkplace, as well as knowing what steps to take to manage them responsibly. Italso aids the employer implement emergency procedures, and ensures all employeeshave been sufficiently trained.  Furthermore, everything reasonably practicable needs to be done toprotect people using the workplace. Risk assessments also need to be producedand completed which can prevent the risks from happening by using their span onauthority and informing every one of the potential risks. Students/employeesmust ensure they work under these regulations at all times by followingprocedures such as risk assessments and the listening to all giventraining.     ‘ Manual Handling Operations Regulations 1992 (as amended)’ (Hse.

gov. uk, 2017) MHOR is in place to reducemusculoskeletal disorders due to them being the most commonly reported work-relatedillness (Hse. gov. uk, 2017). MHOR places responsibilities on the employers inregards to their employees. The employer must also avoid the need for hisemployees to undertake any manual handling operations at work which involve arisk of injury. If not possible, a suitable assessment of the risks must becompleted that shows all appropriate steps to be taken which reduces the riskof injury as much as possible.

The student/employee however, must use bothinitiative and common sense when it comes to lifting in regards to the weightof an object and how the go about carrying it. Employees have to take intoconsideration their own safety and welfare.  ‘ Lifting Operations and Lifting Equipment Regulations 1998’ (Hse. gov. uk, 2017) LOLER is a collections ofregulations that enforce duties to employers who own lifting equipment. All liftinginvolving lifting equipment must be planned, supervised and conducted in a safemanner. These regulations also require all equipment to be ‘ fit for purpose, appropriate for the task and suitably marked.’ Theequipment also has to be inspected, and records are kept of said inspections tonote any defects or problems with the equipment.

This is then passed onto theemployer or whoever is responsible for the equipment so the appropriate actionscan be taken e. g. replacing the defect equipment. Students/employees mustcomply by these regulations by only using lifting equipment if the correcttraining (training courses can also be given to employees depending on theequipment) and authorisation has been given, they also must be wearing allrequired PPE for the task they are undertaking.

The regulations give steps onhow to correctly undertake lifting operations: –         Planproperly-         Usingcompetent people –         Supervisethem appropriately-         Ensurethe task is carried out in a safe manner    ‘ Workplace (Health, Safety and Welfare) Regulations 1992’ (Hse. gov. uk, 2017) this covers a wide range of basic health, safety and welfare issues andapply to most workplaces.

This regulation ensures that workplaces meet thehealth, safety and welfare of each employee including people with disabilities(ramp access etc.) Employers have to ensure their workplace complies with theregulations and any required facilities, such as wash stations, toilets etc. are provided. The regulations have an extensive list that has to be obeyed bythe employer, it includes but is not limited to: ‘ Maintenance of workplace, and of equipment, devices and systems, Ventilation, Temperature in indoor workplaces, Lighting, Cleanliness and wastematerials, Room dimensions and space, Workstations and seating, Condition offloors and traffic routes, Falls or falling objects, Windows and transparent ortranslucent doors, gates and walls.’ This regulation can provide theemployer with a useful aid in ensuring the workplace meets these regulationsand is suitable for employees to work.

Similarly, students/employees can usethese regulations as a guide to their ‘ rights’ in terms of equipment orfacilities provided e. g. on site toilets.    ‘ Control of Substances Hazardous to Health (COSHH) Regulations 2002’ (Hse. gov. uk, 2017) COSHH gives requirements onhow to prevent or reduce employee’s exposure to hazardous substances.

Furthermore, COSHH requires employers to control the substances correctly, andstore them. Employers can also use given steps to prevent/reduce employee’sexposure by: –         Findingthe hazardous-         Riskassessments-         Controlmeasures-         Information/instructionsgiven out Substances hazardous tohealth come in many forms including: Chemicals, fumes, dusts and vapours. Thereare many control measures that can be taken in regards to COSHH such as the processesused to discard the substances down to how they are stored. COSHH cupboards area very common measure used by employers as they safely store hazardoussubstances in a lockable protected cupboard that prevents anyone from accessingthe substances within. Students/employees must follow this regulation by onlyusing hazardous substances if given the correct training on how to do so and guidance.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations2013 (RIDDOR) (Hse. gov. uk, 2017) RIDDOR is the law that requires employers to report all ‘ work related’ accidents/near missesand record them. Employers are also required to create/use an online ‘ system’where both employers/employees can access and report any incidents that takeplace in the workplace. Guidance notes and booklets can be given by the employerso any employee can independently use the system if and when needed. There aredifferent types of reportable injury: –         Deaths-         Specifiedinjuries to workers-         Injuriesthat require the worker to be off work for 7 days or more-         Injuriesto non-workers that require treatment at hospital-          Reporting theseaccidents/near misses on the system allow hazards to be prevented by looking atwhat caused the previous incidents, and also stop them from causing future accidents.

Student/employees are trusted to use the system and must do so correctly, explaining exactly what happened so the correct safety measures can be put intoplace.  ‘ Personal Protection at Work Regulations 1992’ (Hse. gov. uk, 2017) this regulation requires employers to provide employees with personal protectiveclothing for their working activities. PPE is intended to be worn/held toprotect themselves from potential risks in the workplace. PPE can come in manydifferent types of clothing and equipment; this list includes but is notlimited to: ‘ Respiratory, Eye, Hearing, Hand, Foot, Head, Skin.

‘ Students/employees are required to wear allcorrect PPE for their given task, must not tamper with any PPE given to them, and report any issues or damages with the PPE so it can be immediately replacedbefore any workplace activity is carried out.     ‘ Workat Height Regulations 2005’ (Hse. gov. uk, 2017) The purpose of this regulation is toprevent any injury being caused by falling from a height. Employers arerequired to ensure all work that is to be carried out at height is properlyplanned and undertaken by ‘ competentpeople’ with the correct training. As well as this, employers must alsoprovide employees with all suitable PPE and assess all possible risks with thetask before any work is commenced. Employees also have duties of their own, they must take care of themselves or anyone that could be effected by theirwork. All of the regulations above apply to both engineering environments (PCCand Babcock) and are in place to guarantee the safety of student/employees andpeople that may enter an employer’s workplace (e.

g. a contractor or externalteacher). Both environments are required by law to follow the above regulations(Legislation. gov.

uk, 2017) however, they apply to the two different environmentsat different extents. Plymouth City College will use all the above however the’Working at Height Regulations 2005′ will not be applicable to students due tothem never having to work at height. Moreover, other regulations such as COSHHwill be more controlled solely down to the limited amount of hazardoussubstances being used in the college, this is contradictory of Babcock, whereworking at height and handling hazardous substances is much more customary dueto the nature of the work being carried out. Correspondingly, Babcock will havemore safety measures in place in regards to health and safety regulations, along with more, in depth training to ensure employees are competent in therequired areas.  Due to the nature of thecollege, being a learning establishment and educating people from 16+ there aredifferent aspects to the regulations that may apply. For instance, under the ‘ Management of Health and Safety at WorkRegulations 1999’ a young person (under 18) must not be exposed to ‘ lack of experience, being unaware ofpotential risks, lack of maturity’ (Hse. gov.

uk, 2017). This isn’t to say age changes any regulations, as under health andsafety law every employer has to ensure the health and safety of all employeesregardless of age or any disabilities. Employing people under 18 just addsdifferent measures to the above regulations which further ensure the welfare ofthe younger people.  Breaching the Health and Safety Legislation is criminal offence and canresult in being prosecuted by imprisonment or a fine up to £20, 000.

There aredifferent enforcing authorities, the Health and Safety Executive, Health andSafety Inspectors or even local Environmental Health Officers. Not only thisbut health and safety authorities can also issue an improvement notice whichrequires the employer to make an improvement in 21 days. As well as this, authorities can also issue a prohibition notice, which requires an activity toterminate within a given time limit; in some emergency cases this can be immediately, essentially a suspension of business. These notices are seen as obligations soemployers must act on these, if not, this can lead to prosecution in themagistrates or town court (Lawgistics. co. uk, 2017).

The HSE is the ‘ body’ whoare primarily responsible for regulation enforcement in the workplace(Hse. gov. uk, 2017). The HSE can also launch investigations into breaches ofhealth and safety law.  Failure to complyto health and safety legislations by either Babcock or PCC can be extremelydetrimental in terms of business and employees. Any negative company reputationshown of either environment sheds a bad image and causes the public tore-evaluate their options, furthermore, any ‘ rival’ then comes into question inregards to business or place to study (e. g. a future customer may change theirdecision and chose a rival company of Babcock due to seeing bad press from awork related injury).

A fine can also really hurt both environments due to theamount of money the fine can be as well as legal/court costs that may follow. This can effect job budgets, which can result in losing current and future workor even result in wage cuts, for both Babcock and PCC. The legislations are inplace to protect all employees or people on site, failing to follow every regulationcan result in loss of employee, whether that be temporary or permanent.

moreover, this can result in legal action being taken, if an employee is harmed due tothe employer being negligent in providing a safe working environment, saidemployee can then pursue legal action and sue the employer. As well as this, any employee harmed whilst working can impact the morale on the other employees, making them feel uneasy or unsafe at their place of work/study.   Incident In May 2014 Babcock International was prosecuted by the Health Executive (HSE) for breaching health and safety regulations (see appendix for ‘ Case study 1’). Three men were exposed to high levels of hand arm vibration (HAV) causedby using hedge cutters, strimmers and other power tools whilst maintaining thegrounds at HMS Raleigh. Occupational health providers diagnosed all three menwith Hand Arm Vibrations Syndrome (HAVS) or Carpal Tunnel Syndrome (CTS).

HSElaunched an investigation, which shown Babcock were aware that each worker hadvibration-related conditions or health issues from health surveillance reportsconducted within the company several years prior to the incident. With thisknowledge, Babcock failed to implement control measures to prevent these issuesescalating. Babcock also failed to assess risks faced by their employees andmake suitable arrangements, such as providing alternate tools. The investigationfound that grounds maintenance staff could regularly work eight-hour days usingthe same tools throughout. ConsequencesThe consequences of this breach for the three employees was permanentdamage to their health and a significant impact on their ability to work andtheir quality of life. This investigation resulted in Babcock admitting twobreaches of the Control of Vibration atWork Regulations 2005 and being fined £10, 000 in costs. This is all theinformation that has been made available; however, the people responsible forthis breach could face loss of employment and or further fines from the HSE. Ifserious, the business could face further investigations and potentiallytermination of business (temporary or permanent).

Possible solutionsSeveral solutions could have been implemented to prevent this fromhappening. Once the health reports were completed and Babcock were aware of thehealth issues of the three staff involved, the availability of the power toolsshould have been reduced or a non-vibrating variant should be issued. Theamount of hours working should have been adjusted throughout the week dependingon the amount of time used with vibrating tools. When aware of the conditionsof the employees, the employer could have offered the employees a differentrole or responsibility within the business to reduce exposure of vibrations. Babcockcould have also looked back through accident and ill health records to try toidentify any possible patterns emerging (all groundsmen suffering from the sameinjury e.

g.). Looking back through the records also allows the business toprevent the any of the previous incidents to happen again (in the same way) asyou can implement safe working practices or provide more suitable PPE (personalprotective equipment) etc.

Solutions In wake of this incident, Babcock introduced several procedures toprevent it happening again to any employee. Firstly, they risk assessed allelectrical and pneumatic tools, furthermore they created an ‘ approved toolcatalogue’. The catalogue colour codes every tool according to their associatedvibrations values. Green = <2. 5m/s² (or up to 100 points) – can beused without restrictionAmber = 2.

5 – 5. 0m/s² (100 to 400 points) – can be used for upto 8 hours max. However, individuals should be under regular healthsurveillance. Where possible look to minimise tool use or use a lower vibrationalternate if availableRed = > 5.

0m/s² (400 points reached in less than 8hours). These tools carry time limits and control measures unique to each tool. Every effort should be made to avoid use of red tools wherever possible, including alternative tools, planning and work methodsIf you exceed the daily tool use limit for a red tool, you cannot useany other vibrating hand tool that day. When adding up exposure points formultiple tool use, you cannot exceed 400points per day (24 hours). Furthermore, any tools that are not in thecatalogue must first be approved and assessed by the Occupational Hygiene Team(OHT), this prevent employees exceeding the safe working time and ensures anyvibration injury/condition does not happen again.