

# Assignment duty to assess risks in the

Business



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## Assignment1 - Health and Safety Legislation and Responsibilities.

Comparing both Plymouth City College and Babcock, Plymouth Dockyard as two engineering environments in regard to current health and safety legislation, looking into the 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 engineering environment. This entails a legal responsibility to make sure of your own safety and others, working with or around you. This also involves others that may be affected by what you're doing (Hse. gov. uk, 2017). It is an employer's duty under health and safety law to protect the health, safety and welfare of both their employees and others, who might be affected by their business.

Everything reasonably practicable must be done by the employer to accomplish this. Furthermore, employers must also give adequate information on the risks in the workplace, how you're protected from them, and must also train you on how to deal with said risks if and when they arise. Again, by law, the employer has the duty to assess risks in the workplace and carry out risk assessments which address all potential risks that could cause harm.

Additionally, employers must consult all employees on health and safety issues either directly or through a safety representative that is either selected by the employees or appointed by a trade union (Hse. gov. uk, 2017).

Employees/students must apply the appropriate behaviour and be attentive

in the workplace, through both training and working roles. They also have a duty of care of their own health and safety and others who may be affected by their actions. Along with this they must not tamper with any equipment, such as PPE, that has been provided to protect them. To safeguard the welfare of people at work several legislations have been put in place: 'Management of Health and Safety at Work Regulations 1999 (as amended in 2003)' (Hse. gov.

uk, 2017) this requires employers to assess risks and be aware of all the 'main' risks in the workplace, as well as knowing what steps to take to manage them responsibly. It also aids the employer implement emergency procedures, and ensures all employees have been sufficiently trained. Furthermore, everything reasonably practicable needs to be done to protect people using the workplace. Risk assessments also need to be produced and completed which can prevent the risks from happening by using their span of authority and informing every one of the potential risks. Students/employees must ensure they work under these regulations at all times by following procedures such as risk assessments and the listening to all given training. 'Manual Handling Operations Regulations 1992 (as amended)' (Hse.

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

The student/employee however, must use both initiative and common sense when it comes to lifting in regards to the weight of an object and how to go about carrying it. Employees have to take into consideration their own safety and welfare. 'Lifting Operations and Lifting Equipment Regulations 1998' (Hse. gov. uk, 2017) LOLER is a collection of regulations that enforce duties to employers who own lifting equipment. All lifting involving lifting equipment must be planned, supervised and conducted in a safe manner. These regulations also require all equipment to be 'fit for purpose, appropriate for the task and suitably marked.' The equipment also has to be inspected, and records are kept of said inspections to note any defects or problems with the equipment.

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

The regulations give steps on how to correctly undertake lifting

operations: – Plan properly- Using competent people  
– Supervise them appropriately- Ensure the 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 and apply to most workplaces.

This regulation ensures that workplaces meet the health, safety and welfare of each employee including people with disabilities (ramp access etc.)

Employers have to ensure their workplace complies with the regulations and any required facilities, such as wash stations, toilets etc. are provided. The regulations have an extensive list that has to be obeyed by the 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 waste materials, Room dimensions and space, Workstations and seating, Condition of floors and traffic routes, Falls or falling objects, Windows and transparent or translucent doors, gates and walls.' This regulation can provide the employer with a useful aid in ensuring the workplace meets these regulations and is suitable for employees to work.

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

Furthermore, COSHH requires employers to control the substances correctly, and store them. Employers can also use given steps to prevent/reduce employee's exposure by: - Finding the

hazardous- Risk assessments- Control measures- Information/  
instructions given out Substances hazardous to health come in many forms

including: Chemicals, fumes, dusts and vapours. There are many control measures that can be taken in regards to COSHH such as the processes used to discard the substances down to how they are stored. COSHH cupboards are a very common measure used by employers as they safely store hazardous substances in a lockable protected cupboard that prevents anyone from accessing the substances within. Students/employees must follow this regulation by only using hazardous substances if given the correct training on how to do so and guidance.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) (Hse. gov. uk, 2017) RIDDOR is the law that requires employers to report all 'work related' accidents/near misses and record them. Employers are also required to create/use an online 'system' where both employers/employees can access and report any incidents that take place in the workplace. Guidance notes and booklets can be given by the employer so any employee can independently use the system if and when needed. There are different types of reportable injury: - Deaths- Specified injuries to workers- Injuries that require the worker to be off work for 7 days or more- Injuries to non-workers that require treatment at hospital- Reporting these accidents/near misses on the system allows hazards to be prevented by looking at what caused the previous incidents, and also stop them from causing future accidents.

Students/employees are trusted to use the system and must do so correctly, explaining exactly what happened so the correct safety measures can be put in place. 'Personal Protection at Work Regulations 1992' (Hse. gov. uk, 2017) this regulation requires employers to provide employees with personal <https://assignbuster.com/assignment-duty-to-assess-risks-in-the/>

protective clothing for their working activities. PPE is intended to be worn/held to protect themselves from potential risks in the workplace. PPE can come in many different types of clothing and equipment; this list includes but is not limited to: 'Respiratory, Eye, Hearing, Hand, Foot, Head, Skin.

'Students/employees are required to wear all correct 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 replaced before any workplace activity is carried out. 'Work at Height Regulations 2005' (Hse. gov. uk, 2017) The purpose of this regulation is to prevent any injury being caused by falling from a height. Employers are required to ensure all work that is to be carried out at height is properly planned and undertaken by 'competent people' with the correct training. As well as this, employers must also provide employees with all suitable PPE and assess all possible risks with the task 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 their work. All of the regulations above apply to both engineering environments (PCC and Babcock) and are in place to guarantee the safety of student/employees and people that may enter an employer's workplace (e. g. a contractor or external teacher). Both environments are required by law to follow the above regulations (Legislation. gov.

uk, 2017) however, they apply to the two different environments at different extents. Plymouth City College will use all the above however the 'Working at Height Regulations 2005' will not be applicable to students due to them never having to work at height. Moreover, other regulations such as COSHH will be

more controlled solely down to the limited amount of hazardous substances being used in the college, this is contradictory of Babcock, where working at height and handling hazardous substances is much more customary due to the nature of the work being carried out. Correspondingly, Babcock will have more safety measures in place in regards to health and safety regulations, along with more, in depth training to ensure employees are competent in the required areas. Due to the nature of the college, being a learning establishment and educating people from 16+ there are different aspects to the regulations that may apply. For instance, under the 'Management of Health and Safety at Work Regulations 1999' a young person (under 18) must not be exposed to 'lack of experience, being unaware of potential risks, lack of maturity' (Hse. gov.

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

There are different enforcing authorities, the Health and Safety Executive, Health and Safety Inspectors or even local Environmental Health Officers. Not only this but health and safety authorities can also issue an improvement notice which requires the employer to make an improvement in 21 days. As well as this, authorities can also issue a prohibition notice, which requires an activity to terminate within a given time limit; in some emergency cases this

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can be immediately, essentially a suspension of business. These notices are seen as obligations so employers must act on these, if not, this can lead to prosecution in the magistrates or town court (Lawgistics. co. uk, 2017).

The HSE is the 'body' who are primarily responsible for regulation enforcement in the workplace (Hse. gov. uk, 2017). The HSE can also launch investigations into breaches of health and safety law. Failure to comply to health and safety legislations by either Babcock or PCC can be extremely detrimental in terms of business and employees. Any negative company reputation shown of either environment sheds a bad image and causes the public to re-evaluate their options, furthermore, any 'rival' then comes into question in regards to business or place to study (e. g. a future customer may change their decision and chose a rival company of Babcock due to seeing bad press from a work related injury).

A fine can also really hurt both environments due to the amount 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 work or even result in wage cuts, for both Babcock and PCC. The legislations are in place to protect all employees or people on site, failing to follow every regulation can 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 to the employer being negligent in providing a safe working environment, said employee 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) caused by using hedge cutters, strimmers and other power tools whilst maintaining the grounds at HMS Raleigh. Occupational health providers diagnosed all three men with Hand Arm Vibrations Syndrome (HAVS) or Carpal Tunnel Syndrome (CTS).

HSE launched an investigation, which shown Babcock were aware that each worker had vibration-related conditions or health issues from health surveillance reports conducted within the company several years prior to the incident. With this knowledge, Babcock failed to implement control measures to prevent these issues escalating. Babcock also failed to assess risks faced by their employees and make suitable arrangements, such as providing alternate tools. The investigation found that grounds maintenance staff could regularly work eight-hour days using the same tools throughout. Consequences The consequences of this breach for the three employees was permanent damage to their health and a significant impact on their ability to work and their quality of life. This investigation resulted in Babcock admitting two breaches of the Control of Vibration at Work Regulations 2005 and being fined £10, 000 in costs. This is all the information that has been made available; however, the people responsible for this breach could face loss of employment and or further fines from the HSE. If serious, the business could face further investigations and potentially termination of business (temporary or permanent).

Possible solutions Several solutions could have been implemented to prevent this from happening. Once the health reports were completed and Babcock were aware of the health issues of the three staff involved, the availability of the power tools should have been reduced or a non-vibrating variant should be issued. The amount of hours working should have been adjusted throughout the week depending on the amount of time used with vibrating tools. When aware of the conditions of the employees, the employer could have offered the employees a different role or responsibility within the business to reduce exposure of vibrations. Babcock could have also looked back through accident and ill health records to try to identify any possible patterns emerging (all groundsmen suffering from the same injury e.

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

Solutions In wake of this incident, Babcock introduced several procedures to prevent it happening again to any employee. Firstly, they risk assessed all electrical and pneumatic tools, furthermore they created an 'approved tool catalogue'. The catalogue colour codes every tool according to their associated vibrations values. Green =  $<2.5 \text{ m/s}^2$  (or up to 100 points) - can be used without restriction Amber = 2.

5 -  $5.0 \text{ m/s}^2$  (100 to 400 points) - can be used for up to 8 hours max.

However, individuals should be under regular health surveillance. Where

possible look to minimise tool use or use a lower vibrational alternate if available. Red = > 5.

0m/s<sup>2</sup> (400 points reached in less than 8 hours). 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 methods. If you exceed the daily tool use limit for a red tool, you cannot use any other vibrating hand tool that day. When adding up exposure points for multiple tool use, you cannot exceed 400 points per day (24 hours). Furthermore, any tools that are not in the catalogue must first be approved and assessed by the Occupational Hygiene Team (OHT), this prevents employees exceeding the safe working time and ensures any vibration injury/condition does not happen again.