

How robust is your Health & Safety Policy?

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It is difficult to predict how business sector trends will develop over the year.

We are already seeing the effects of company downsizing and redundancies and I would envisage an increase in the Interim market, with people being employed on short term renewable contracts.

It is cheaper to undertake dedicated project(s) for 3 months rather than recruit someone permanent.

New legislation too will have an impact and this is particularly relevant with Health and Safety issues.

Organisations should be asking themselves how robust their Health & Safety Policy is.

Many may not be aware of their duty of care obligations and legal requirements and the implications of non conformance.

Ideally, companies will employ a full time NEBOSH qualified Health & Safety Manager but it may not be necessary or financially viable to do this and many organisations are employing qualified Interim Health & Safety practitioners.

The Implications

Many organisations may not be aware of their duty of care obligations and legal requirements and the implications of non conformance.

The Requirement

There is a duty on employers to prepare and revise written statements of their general policy for the health and safety of their employees. The statement must include details of the organisation and arrangements which are in operation for carrying out that policy.

The Health and Safety at Work etc Act 1974 (HASAW or HSW) is the primary piece of legislation covering occupational health and safety in the United Kingdom. The Health and Safety Executive is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment.

The Health and Safety Offences Act 2008 which came into force in January 2009 revises the mode of trial and maximum penalties applicable to certain offences relating to health and safety, giving courts greater powers of sentencing and increases fines for those who breach the legislation. It makes imprisonment an option for more health and safety offences.

Health and safety should be about taking practical steps to manage real risk and should be reviewed at least once a year

- How do you demonstrate your company's commitment to health and safety?
- What do you do to ensure appropriate reviews of health and safety?
- How do you ensure all staff are sufficiently trained and competent in their health and safety responsibilities?
- What systems are in place to ensure your organisation's risks are assessed, and that sensible control measures are established and maintained?
- How well do you know what is happening on the ground, and what audits or assessments are undertaken to inform you about what your organisation and contractors actually do?
- What targets are in place to improve health and safety?
- Do you have a Health & Safety Manager and is he/she qualified?



Reporting Injuries, Death and Accidents

The HSE quotes that in 2007/8 –

141 350 other injuries to employees were reported under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences)

2.1 million people suffered from an illness they believed was caused or made worse by their current or past work.

229 workers were killed at work.

34 million days were lost overall, 30 million due to work-related ill health and 6 million due to workplace injury

136 771 injuries to employees were reported under RIDDOR

299 000 reportable injuries occurred

RIDDOR

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 places a legal duty on employers to report related deaths, major injuries or over three-day injuries and near miss accidents

Corporate Manslaughter

Under the Corporate Manslaughter and Corporate Homicide Act 2007, companies face unlimited fines and other penalties if found guilty of corporate manslaughter, where there has been gross failure in the management of health and safety resulting in death.

A substantial part of this failure must be at senior level and while individuals can't be prosecuted under the Act, they can still be prosecuted for gross negligence.

The key to avoiding prosecution is simply to ensure that organisations follow relevant health and safety legislation and good practice guidance.

Businesses should see this as an opportunity to make sure they have proper arrangements in place for managing health and safety

For most health and safety managers there shouldn't be any additional requirements – but the new law does provide an added incentive to get health and safety taken seriously.

Under the Health and Safety at Work Act 1974 employers are required to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires employers to make suitable and sufficient assessment of risks

The Ministry of Justice guidance on the Act says;

Factors that may be considered when investigating senior management failure will include systems of work used by employees, levels of training, adequacy of equipment and issues of immediate supervision and middle management.

A company's strategic approach to health and safety could also be investigated, as well as its arrangements for assessing risk, monitoring and auditing its processes. Investigations will not just look at formal systems for managing an activity, but how in practice it was carried out.

Making sure that staff are correctly trained in health and safety will be one key factor and is likely to be driven by risk assessments and is the key to ensuring health and safety standards are met, maintained and communicated.

Sometimes, even the best workplace health and safety arrangements go wrong. What is important is to learn from accidents and take steps to ensure that they don't happen again, especially if it could lead to a future fatality and an associated corporate manslaughter prosecution

In 2007/8, there were nearly 1400 prosecutions brought by HSE and local authorities. 1173 led to convictions and the average conviction penalty in a case brought by HSE is £12,900

The Solution

Ideally, companies will employ a full time Health & Safety Manager who is NEBOSH qualified and a member of IOSH and who can take the company successfully to OHSAS 18001 certification, the internationally recognised assessment specification for occupational health and safety management systems.

However, it may not be necessary or financially viable to have a full time H & S Professional and many organisations are employing qualified Interim Health & Safety practitioners.

They can:-

- ensure the general policy statements are up to date

- review all risk assessments

- ensure all staff are sufficiently trained and competent in H& S matters

- ensure control measures are in place

- complete audits or assessments

- ensure legal compliance

Useful websites

www.hse.gov.uk

www.iosh.org.uk

www.nebosh.org.uk

www.bsi-global.com

www.britsafe.org

www.jlc-solutions.co.uk



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