



UNIT-9

Health, Safety, and Welfare

Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Understand Health and Safety Laws
- ✓ Explore the Importance of Health and Safety in the Workplace

Unit 9

Health, Safety and Welfare

Employers have to push for increased output and employees have to ensure they are protected from any dangers in their workplace. This can create some conflict. Originally, the tensions between employee and employer arose from long working hours and, in the case of the factory system, heavy physical demands. In the 21st century, concerns about tensions remain great, but these concerns are varied and subtle. They are expressed not only by employers and employees but also by government agencies, trade unions and campaign groups. International competitive pressures have increased and companies respond with incentives for employees to encourage them to work faster and better. At the same time, however, health and safety corners are sometimes cut. Many employees today experience stress-related illnesses.

HRM and Health, Safety and Welfare

Health, safety and welfare provision development are linked, to a large extent, to the development of human resource management. From the employees' perspective, health, safety and welfare are important for obvious reasons. Their lives and futures may be at risk if health and safety issues are not properly addressed. For these reasons, trade unions have become increasingly important to employees and their activities receive more media coverage. These are the two most noticeable developments:

- The emphasis has moved from concern about the prevention of physical injury to a focus on mental health and work-related stress;
- The view that employers should take steps not only to prevent injury and unnecessary stress but also to actively encourage healthy lifestyles amongst employees in a more general sense.

The human resource management press has articulated a convincing business case for addressing these particular issues. Health and safety campaigns are aimed at raising awareness of their validity among employers.

The case for business is based on three propositions:

- Work-related illness and injury lead to avoidable absence.
- Serious injury and illness can lead to lawsuits and sizeable compensation being paid out by organisations.
- Having a poor reputation for safety and welfare will make it harder for an organisation to recruit, retain and motivate all staff members.

Health and Safety Law

Before 1974, the law comprised the Factories Act 1961, the Offices, Shops and Railway Premises Act 1963 and the Fire Precautions Act 1971. All these Acts, as well as others relating to certain industries, were brought up to date by the Health and Safety at Work etc. Act 1974. This is still the statute that governs the law in this area.

A major piece of legislation came into law in the UK in 1998. It was in the form of the Working Time Regulations. These also have EU origins. A lot of the regulations are supplemented by the Health and Safety Commission codes of practice. These codes are not actually enforceable in law but they are the standard against which authorities assess companies' actions. Health and safety law can be viewed as consisting of two halves: the criminal and civil areas. The criminal aspect is based in statute and is monitored by the Health and Safety Executive and by local authority inspectorates. Civil law in this area relies on common law and is a process that can be used by individuals who have suffered injuries in their workplace to seek damages against their employers. Criminal law is meant to be preventative whereas civil law is used to compensate employees who have become ill as a result of their work or work environment.

Criminal Law

Health and safety inspectors potentially have a lot of power; however, their approach aims to be more advisory whereby they can issue warnings, unless they believe there is a high risk of personal injury. Inspectors make visits to workplace premises to inspect equipment and to ensure that suitable monitoring procedures are in operation. They have the right to enter premises and collect information when needed. They are also able to take samples or remove pieces of equipment for analysis.

If inspectors are unhappy with what they discover, they will issue **improvement notices** detailing recommended improvements and requiring that these improvements be in place by a set date. If there is substantial risk to health and there have been more serious lapses, the inspectors will issue **prohibition notices** which are used to stop employers using certain pieces of equipment until safety arrangements are in place. It is a criminal offence for an organisation to breach any of these statutory notices. Giving false information to an inspector is also a criminal offence. Every year in the UK more than a thousand prosecutions are brought before a court for non-compliance with a Safety Executive Order. This can, and often does, lead to fines of up to £20,000.

If an employee has received injuries, a prosecutor will be brought in if it can be proved that management knew the risks but refused to act. If a fatality has occurred and the company is found guilty of corporate manslaughter, fines of several hundred thousand pounds will be imposed. In some cases, executive directors who have been found to be individually liable have also been given custodial sentences.

The Health and Safety at Work etc. Act 1974

This Act covers most health and safety law in the UK and more detailed sets of regulations are issued under this Act. The main purposes of this Act are:

- to secure the health, safety and welfare of people at work
- to protect the public from risks that may arise from workplace activities
- to control the use and storage of dangerous substances
- to control potentially dangerous environmental emissions.

All employers are covered by the Act and have a responsibility 'to ensure, as far as is reasonably practicable, the health, safety and welfare at work' of every worker. There are also specific requirements that relate to maintaining plant and equipment, consulting with trade union safety representatives, keeping an accident-reporting log, and ensuring that a copy of the main provisions of the Act of 1974 is clearly displayed on a notice board. There is a further requirement to properly train employees where there are hazardous substances or dangerous equipment. Safe arrangements for the handling, transport and/or storage of dangerous substances or equipment must also be in place. In companies that have more than five employees, a written health and safety policy must be in place, kept up to date and made available to staff.

Managing Health and Safety at Work

Everyone employed in an organisation and those under contract have a responsibility to ensure a healthy and safe workplace and eliminate, as far as possible, any hazardous situations. The onus, however, is more on management to ensure an exceptionally high standard in health and safety matters as required by the legislation of the Health and Safety Act 1974 and various other regulations from the Codes of Practice.

Unfortunately, the importance of health and safety practices is often underestimated by business managers and others concerned with managing a business. However, the prevention of accidents and removal of any health or safety hazards is of the utmost importance and the responsibility falls on managers to ensure minimal (if any) suffering and/or loss.

The Importance of Health and Safety in the Workplace

Managing health and safety at work is a matter of:

- developing proper health and safety policies;
- ensuring risk assessments are conducted which identify hazards and assess the risks attached to them;
- running regular health and safety audits and inspections;
- implementing occupational health programmes;

- managing stress;
- practising accident prevention;
- measuring health and safety performance;
- communicating the need for good health and safety practices;
- training in good health and safety practices; and
- organising health and safety within the workplace.

Benefits of Workplace Health and Safety

The Health and Safety Executive (2004a) conducted research and found that, in 19 case studies, tangible benefits were discovered from better health and safety management. Some of the companies studied were AstraZeneca, Severn Trent Water, and Transco. These benefits included higher productivity, lower levels of absence, avoidance of costs and litigation that come from accidents and improved staff morale and employee relations.

Employers in the study made many savings from investing in occupational health and safety. For example:

- Rolls Royce saved £11 million through improved absence management;
- St Bartholomew's Hospital and the London NHS Trust recouped the cost of flu injections for staff in just one month;
- manual-handling injuries were eliminated and the resultant lost hours reduced to zero at furniture retailer MFI;
- British Polythene Industries saved £12 for every £1 spent on manual-handling improvements;
- The Port of London Authority cut absence by 70 per cent.

Health and Safety Policies

Written health and safety policies are needed to show that top management cares about protecting the company's employees from any hazards at work. The written material must also indicate how this protection will be provided. These written policies are firstly a declaration of intent by the company and, secondly, a definition of how that intent will be realised. Thirdly, the policies are a statement of the guidelines that everyone in the organisation must follow and implement.

The policy statement should consist of three parts:

- the general policy statement
- the description of the organisation for health and safety
- details of arrangements for implementing the policy.

Conducting Risk Assessments

What is a Risk Assessment?

Risk assessments are used to identify hazards or potential hazards and to provide an analysis of any risks attached to them.

A hazard would be anything that may cause harm to a person's body. For example, lifting heavy objects, working on construction sites, or working with chemicals are all considered hazardous. A risk is the chance, be it big or small, of harm actually occurring due to a particular hazard. Thus, risk assessments are about looking for hazards and evaluating the level of risk associated with them.

There are two types of risk assessments. The first one is *quantitative risk assessment*. This produces an objective probability estimate based upon risk information that is immediately applicable to the circumstances in which the risk occurs. The second one is *qualitative risk assessment*. This is more subjective and is based on judgement backed by generalised data. Quantitative risk assessment is preferred if the precise data are available. Qualitative risk assessment may be acceptable when there are no precise (or few) data but it must be made systematically and based on working conditions, hazards and informed judgement on the likelihood of any real harm being done.

Looking for Hazards

Typical activities where accidents may occur or have a high risk of occurring are suggested below by the HSE and others:

- Failure to wear protective equipment, such as hats, boots and clothing;
- Movement of people and materials, e.g., falls and collisions;
- Stacking and storage, e.g., falling materials;
- Receipt of raw materials, e.g., lifting and carrying;
- Processing of raw materials, e.g., exposure to toxic substances;
- Maintenance of buildings, e.g., roof work and gutter cleaning;
- Maintenance of plant and machinery, e.g., lifting tackle and installation of equipment;
- Using electricity, e.g., using hand tools and extension leads;
- Operating machines, e.g., operating without sufficient clearance or at an unsafe speed; not using safety devices;
- Distribution of finished jobs, e.g., movement of vehicles;
- Dealing with emergencies, e.g. spillages, fires and explosions;
- Health hazards arising from the use of equipment or methods of working, e.g., VDUs, repetitive strain injuries from badly designed work stations, or poor working practices.

It is always necessary to consider who may be harmed when carrying out a risk assessment. Those who could be harmed include any employees, visitors, cleaning contractors, and any members of the public if

they come in to buy goods or enlist services. All identified hazards or potential hazards must be ranked in order of their likely severity as a basis for constructing one side of the risk equation. It is easy enough to use a three-point scale to identify *low*, *moderate* or *high* risk.

Assessing the Risk

It is imperative to assess how high the risks are when hazards have been identified. The HSE suggests using these three questions as a guide:

- What could be the worst result?
- How likely is it to happen?
- How many people could be hurt if things go wrong?

A probability system such as the one recommended by Holt and Andrews can be used. This would be:

1. Probable – likely to occur immediately or shortly.
2. Reasonably probable – probably will occur in time.
3. Remote – may occur in time.
4. Extremely remote – unlikely to occur.

Taking Action

Risk assessment ought to lead to action. The type of action can be ranked in order of potential effectiveness in the form of a 'safety precedence sequence' which is again recommended by Holt and Andrews:

- Hazard elimination – use of alternatives, design improvements, change of process.
- Substitution – for example, replacement of a chemical with one which is less risky.
- Use of barriers – removing the hazard from the worker or removing the worker from the hazard.
- Use of procedures – limitation of exposure, dilution of exposure, safe systems of work (these depend on human response).
- Use of warning systems – signs, instructions, labels (these also depend on human response).
- Use of personal protective clothing – this depends on human response and is used as a side measure only when all other options have been exhausted.

Monitoring and Evaluation

Even though an action has been initiated, this does not mean that the risk assessment is complete. It is vital to monitor the hazard and assess the effectiveness of any action in eliminating it or, at the very least, reduce it to an acceptable level.

Health and Safety Audits

What is a Health and Safety Audit?

Risk assessments identify specific hazards and quantify the risks attached to them. Health and safety audits deliver a more comprehensive review of all aspects of health and safety policies, procedures and practice programmes. Saunders (1992) defined a health and safety audit as follows:

A safety audit will examine the whole organisation in order to test whether it is meeting its safety aims and objectives. It will examine hierarchies, safety planning processes, decision-making, delegation, policy-making and implementation as well as all areas of safety programme planning.

Who actually performs a Health and Safety Audit?

A health and safety audit can be performed by safety advisers or personnel specialists. However, it is always better for employees, managers and trade union representatives to be involved. These audits are usually conducted under the auspices of a health and safety committee with the members taking an active role in carrying them out.

Sometimes, managers are responsible for carrying out audits within their own departments. Ideally, other members of a department should be properly trained to conduct health and safety audits in specific areas. Audits will be better facilitated when there are prepared checklists and forms for recording the results.

In some cases, companies decide it is better to use outside agencies such as the British Safety Institute to carry out independent audits.

What is Included in a Health and Safety Audit?

A health and safety audit should cover:

Policies

- Are all health and safety policies able to meet legal requirements?
- Are senior managers committed to health and safety?
- What is the commitment of other managers, team leaders and supervisors to health and safety?
- Is there a health and safety committee? If not, why not?
- How effective is the committee in getting things done?

Safety practices

- To what extent do health and safety practices in all areas of the company match the general requirements of the Health and Safety at Work Act and the specific requirements of the various regulations and codes of practice?

- What risk assessments have been carried out? What were the findings? What actions were taken?
- What is the health and safety performance of the organisation as shown by the performance indicators? Is it a positive or negative trend? If it's negative, what is being done about it?
- How carefully are accidents investigated? What actions have been taken to prevent their recurrence?
- What is the evidence that managers and supervisors are really concerned about health and safety?

What should be done with the Audit?

The main purpose of the audit is to generate action. It should cover all the questions above. Those actually carrying out the audit must assess priorities and costs and create action programmes for approval by the board.

Safety Inspections

The purpose of safety inspections is to examine a particular area of an organisation, be it the operational department or the manufacturing process. It is carried out to locate and name any faults in the system, plant, machines, equipment, or any operational errors that could lead to accidents. These inspections should be carried out on a continual basis by line managers and/or supervisors based on advice from health and safety advisors. Below are the steps that need to be taken when conducting safety inspections:

- Assign someone the responsibility for conducting the inspection.
- Outline the points to be covered in the form of a checklist.
- Divide the department or plant into areas and list any area that needs attention.
- Describe the frequency with which inspections should be conducted. In critical areas these should be done daily.
- Use the checklists as the basis for the inspection.
- Conduct sample or spot checks randomly.
- Conduct special investigations as necessary to handle special problems such as operating machinery without guards to increase quantity.
- Establish a reporting system. When recording results from inspectors, use a form.
- Set up a system to check that safety inspections are being carried out properly and on schedule and that corrective action has been taken where necessary.

Occupational Health Programmes

Work-related illnesses account for almost twenty million working days per year. And, out of that amount, around two million people claim that they suffer from illnesses that they believe were caused

by their work. Problems such as repetitive strain injury, back pain and other muscular disorders are the most commonly reported, with approximately 1.2 million people affected and numbers rising. Around half a million people report that stress related to their work is so bad that it is making them sick. The figures are high and show that high priority should be given to designing and maintaining programmes for the improvement of occupational health.

Occupational health and hygiene problems can be controlled by:

- eliminating the hazard at its source through design and process engineering;
- isolating hazardous processes and substances so that workers do not come into contact with them;
- changing the process or substances used, for better protection or to eliminate any risk;
- providing protective equipment, but only if changes to the design, process or specifications cannot completely remove the hazard;
- properly training workers to identify and avoid risk;
- maintaining plant and equipment to decrease or completely remove the possibility of harmful emissions, controlling the use of toxic substances and eliminating radiation hazards;
- good housekeeping to keep premises and machinery clean and free from toxic substances;
- frequent inspections to ensure that potential health risks are identified in good time;
- pre-employment medical examinations and regular checks on those exposed to risk;
- ensuring that ergonomic considerations (i.e., those concerning the design and use of equipment, machines, processes and workstations) are taken into account for design specifications, establishing work routines, and planning training. This is especially important as a way of minimising the frequency of repetitive strain injury (RSI);
- maintaining preventive medicine programmes, which develop health standards for each job. This involves regular audits of potential health hazards and regular examinations for anyone at risk.

Managing Stress and Emotional Welfare

Workplace stress is the welfare topic that has received the most coverage of late. Recently, there have been fewer successful personal injury claims based on stress and lower amounts of damages awarded to successful claimants. This followed the guidance given by the Court of Appeal in four linked cases heard in February 2002.

The Court overturned the judgements of lower courts in three of the cases and reduced the damages that had been awarded in the fourth. The following important points were made in their judgement:

- Employers are not obliged to make searching enquiries to establish whether an individual is at risk.
- Employees who stay in stressful jobs voluntarily are responsible for their own fate if they subsequently suffer stress-based illnesses.

- There must be indications of impending harm arising from workload in order for an employer to take action.
- The employer is only in breach where the risk is foreseeable 'bearing in mind the size of the risk, the gravity of the harm, the costs of preventing it and the justification of running the risk.'
- There are no occupations that should be regarded as intrinsically dangerous to mental health.
- Employers who offer confidential counselling services with access to treatment are unlikely to be found in breach.
- The illness must clearly be caused by breach of duty and not simply by occupational stress.
- Damages must be reduced to take account of pre-existing disorders or the chance that the claimant would have fallen ill anyway.

Therefore, a good business case for employers to provide formal mechanisms for emotional support, quite aside from the strong ethical case, exists.

Examples of available approaches are as follows:

Someone to Talk to/Someone to Advise

People that employees can talk to include the individual's manager or the human resources manager; however, it is sometimes more useful to talk to someone who is distinct from the work itself. Welfare officers, health nurses or specialised counsellors are the types of people who are well placed to deal with this.

Another benefit is having someone to listen to another's problems without judgement. That is counselling. Work-related problems for which employees might need counselling are competence, overwork, underwork, and uncertainty about their future and relationships at work. With counselling, a supportive environment is provided, and this can help people find solutions to their own problems.

Reorganisation of Work

Reorganisation of work is a preventive measure where aspects of work that are believed to be affecting the mental health of employees are reorganised. It may include changes that can be grouped as 'organisational development', such as autonomous work groups and job rotation.

Positive Health Programmes

Positive display programmes have many different approaches aimed at the relief and/or prevention of stress and stress-related problems. These programmes also promote and encourage healthy lifestyles. There are many campaigns encouraging healthy eating, quitting smoking, and support. Resources are provided for physical activities. There are also corporate wellness programmes in place for most businesses, and many businesses provide space for yoga and meditation.

Managing Physical Welfare

Managerial responsibility can be used to implement the company's health and safety policy statement in a number of ways. It is also used to ensure compliance with legal requirements.

Making the Work Safe

Making work safe is predominantly the area of the designer and production engineer. A more general management responsibility is to ensure that older equipment or machinery still in use is suitably modified to make it safe; otherwise it should be removed completely. Compulsory use of safety wear is also a managerial responsibility, such as ensuring that employees have access to and wear safety goggles, a hard hat or ear protectors.

Enabling Employees to Work Safely

Making work safe is the sole responsibility of management; however, individual employees can sometimes bear responsibility by their own negligence, by not wearing safety gear or by working unsafely even though they have been trained to do otherwise. Management's task, then, is twofold: employees must know what to do through proper training or education, and the knowledge imparted or gained must be put into action. Therefore, employees must comply with all safe working procedures that have been implemented.

If any employee fails to comply with safety procedures or clear drills, this does not automatically absolve management or the organisation as a whole. If, for example, there is an explosion in a factory and the building is left in ruins, a factory manager shaking his/her head and saying, "I told them not to do it," is of no value.

Safety Training and other Methods of Persuasion

Safety training has three major goals:

1. employees should be told about and should understand the nature of the hazards at the workplace;
2. employees must be made aware of the safety rules and procedures; and
3. employees need to be persuaded to comply with them.

The first of these is the most important, as employees sometimes tend to modify the rules for their own convenience. Trainers cannot condone the short cut without implying a general flexibility in the rules, but they should be aware of how employees will probably respond. In some areas the use of short cuts by skilled employees does not always mean they are working less safely, but there are many areas where compliance with the rules is critical, such as the wearing of safety goggles. Safety training must be conducted in three settings: at induction, on the job, and in refresher courses. A variety of different training techniques can be employed, including lectures, discussions, films, role-playing and slides.

Further Reading:

- ✓ John Stredwick (2005), *An Introduction to Human Resource Management*
- ✓ Nick Wilton (2011), *An Introduction to Human Resource Management*