



RISK MANAGEMENT GUIDE

Management of Health & Safety at Work Regulations

Introduction

These regulations and their Approved Code of Practice implemented part of the EC Framework Directive. They are aimed at improving health and safety management. They operate in a similar manner to the general duties of the Health & Safety at Work Act 1974 (HSW Act) and can be seen as fleshing out what is already in the Act.

The most significant requirements of the regulations are

- the appointment of competent persons
- the need for written risk assessments and arrangements and
- the extension of health surveillance measures.

Other more specific regulations deal with

- Work Equipment Safety
- Manual Handling of Loads
- Display Screen Equipment
- Workplace Conditions
- Personal Protective Equipment
- Provision and use of Work Equipment
- Fire.

General Duties

The regulations require employers to:

- Assess the risk to the health and safety of employees (including the risk of fire) and to anyone else who may be affected by the work activity. In particular, assessments must be carried out in respect of the risks to expectant mothers and young persons.
- Make arrangements for putting into practice the preventive and protective measures that flow from the assessment.
- These arrangements must cover the planning, organising, control, monitoring and review of the measures.
- Where there are more than 5 employees the assessment and arrangements must be in writing.
- Carry out appropriate health surveillance.
- Appoint competent persons to advise them and implement the necessary protective steps.
- Set up adequate emergency arrangements to respond to accidents and serious incidents.
- Provide adequate health and safety information and training for employees and consult workers' representatives on health and safety measures.
- Work together with other employers when a workplace is shared.

The regulations also:

- Place duties on employees to follow health and safety instructions and report danger.
- Extend the Safety Representatives Regulations to include additional matters on which consultation is required.

Interaction with Other Legislation

In the regulations, general duties complement the more specific ones in other health and safety regulations. A specific duty takes precedence over a general one. For example, risk assessments made for Control of Substances Hazardous to Health or Visual Display Units will not need to be repeated.

General risk assessments required under the regulations should include an assessment regarding the potential for fire and fire precautions within workplaces. Such assessments will meet the requirements of the Regulatory Reform (Fire Safety) Order 2005.

Health and Safety Assistance

The level of competence required to advise management on health and safety matters depends on the risks associated with the undertaking.

Competence does not necessarily depend on the possession of particular qualifications. Simple situations may require only an understanding of relevant current best practice, an awareness of ones own limitations and a willingness and ability to supplement existing experience and knowledge.

Where more complex or technical situations exist, specialists may need to demonstrate competence through possession of relevant professional or occupational health and safety qualifications and experience.

Employers are responsible for ensuring that any person appointed is competent.

Generally it is preferable that employers utilise their own employees, provided those appointed are competent.

Risk Assessment General Principles

Many employers carry out informal inspections and assessments during normal work, observing faults and taking corrective action. This legislation demands a more systematic examination with the significant findings being recorded.

A risk assessment involves identifying the hazards present and then evaluating the risk, taking into account the existing precautions. For the purpose of assessment:

- A hazard is something with the potential to cause harm, for example a machine, a method of work or services i.e. electricity.
- Risk expresses the likelihood the particular hazard will cause harm.
- The extent of the risk covers the numbers who are affected.

There are no fixed rules about how a risk assessment should be undertaken. With small undertakings presenting few or simple hazards, assessment can be based on common sense and judgement. In highly complex plants, written safety plans based on quantified assessment will be required.

In intermediate cases, employers should be capable of carrying out much of the assessment, with specialist help for more unfamiliar or complex aspects. A specimen assessment for a garage workshop is attached as Page 5.

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It is important that all significant hazards are identified and dealt with first. It is not necessary to document every trivial hazard.

- 1 Be systematic. Hazards can be reviewed in groups - for example machinery, transport, electricity, access, or using an operation by operation basis.
- 2 Review all aspects of the work activity to identify possible hazards
 - what is the hazard?
 - how often does it occur?
 - who is at risk?
- 3 Are there any relevant specific statutory requirements?
- 4 Be alert to what actually happens - practice may differ from the specified method.
- 5 Consider non-routine operations - for example maintenance or cleaning work.
- 6 How many and which categories of individuals are at risk - for example young or inexperienced workers, casuals, night security guards, those working alone?
- 7 What existing prevention measures are in place?
- 8 Existing assessments should be reviewed as significant changes in activity occur.

Records

Any significant findings should be recorded. These include:

- Hazards which pose a serious risk if not properly controlled
- Existing control measures and their effectiveness
- Persons who may be affected.

The records can be kept manually or electronically provided that they are readily retrievable.

Preventive and Protective Measures

Where the assessment reveals a problem, preventive measures must be designed and implemented. Where possible the risk should be eliminated rather than palliative measures used e.g. warning signs, protective equipment or systems of work being adapted.

Provisions for Expectant Mothers

The regulations require employers to carry out a specific risk assessment where women of child bearing age or new or expectant mothers may be at risk from a work process, working condition or physical, chemical or biological agent.

New or expectant mothers may also be suspended from night work if a registered medical practitioner or midwife signs a certificate stating such work should be suspended on the grounds of the woman's health and safety.

When considering risks from infectious or contagious diseases, only levels of risk over and above those which new and expectant mothers may be exposed to outside the workplace need be addressed.

Provisions for Young Persons

The regulations define a young person as someone under the age of 18.

Employers must ensure that young people are protected against any risks to their health and safety at work which are due to their inexperience, immaturity or lack of awareness of risks. The results of the risk assessment should identify those work activities likely to involve risks of harm to young people.

No young person may be employed in work which:

- is outside their physical and/or mental capacity
- involves exposure to agents which are toxic, carcinogenic, cause genetic damage, harm unborn children or cause any other chronic health effects
- involve exposure to radiation
- involve exposure to risks which cannot be perceived or avoided by young people due to their insufficient attention to safety or lack of experience or training
- involves a risk from extreme heat or cold, noise or vibration.

These prohibitions do not apply where the work forms part of the young person's training or where they are under the supervision of a competent person and any risks are reduced to the lowest level reasonably practicable.

Further Information

Further information on Risk Management can be found in the following Health and Safety Executive (HSE) publications

HSG65: Successful Health and Safety Management

HSG122: New and Expectant Mothers at Work – A Guide for Employers

HSG165: Young People at Work – A Guide for Employers

INDG163: Five Steps to Risk Assessment

L21: Management of Health and Safety at Work: Approved Code of Practice

The HSE have a specific web-page dedicated to risk management which is located at

<http://www.hse.gov.uk/risk/index.htm>

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The HSE home page on the World Wide Web is

<http://www.hse.gov.uk/index.htm>

Their enquiry service is also available at HSE Info-line Tel: 0845 3450055.

Specimen Assessment

Location	Activity	Hazard	Frequency of Operation	Statutory Requirements	Who Is At Risk	Control Measures In Place	Severity of Risk	Further Action
Garage Workshop	Use of Circular Saw	Amputation	Once per Week	Provision and Use of Work Equipment Regulations & Approved Code of Practice.	1 Body Repairer	Used only by 1 trained operator in accordance with Regulations.	Slight	None
	Working Under Jacked Up Vehicles	Crushing	Daily	None	3 Mechanics	None	Severe	Axle Stands to be provided and use enforced
	Waste items discarded on floor	Tripping	Daily	Workplace Regs	All Employees	Employees clear up when told to do so	Moderate	Review systems for cleaning and removal of waste
	Cleaning or changing light bulbs	Fall from step ladder	Monthly	None	Labourer	Use step ladder held by another employee	Slight	None
	Use of portable lamps and tools	Electrocution	Daily	Electricity at Work Regs	All Employees	None	Moderate	1. Inspection system to be implemented 2. Replace by low voltage equipment where possible

IMPORTANT

The information set out in this document constitutes a set of general guidelines and should not be construed or relied upon as specialist advice. Therefore MORE TH>N BUSINESS accepts no responsibility towards any person relying upon these Risk Management Guidelines nor accepts any liability whatsoever for the accuracy of data supplied by another party or the consequences of reliance upon it.