

Health and Safety Bulletin

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The benefits of involving your workforce

There has been a long-term legal requirement for employers to provide employees with information and also to consult with them about health and safety. Although this initially focused on consultation through Unions, this requirement was extended (recognising the non-unionisation of many workplaces), through the Health and Safety (Consultation with Employees) Regulations in 1996.

Consultation is required under the legislation for: -

- the introduction of any measure at the workplace which may substantially affect workers' health and safety
- any health and safety information the employer is required to provide to their employees under relevant statutory provisions
- the planning and organising of any health and safety training
- the health and safety implications of the introduction of new technologies in the workplace

The consultation does not have to involve formal meetings, but it is important that the information is given in a timely manner, allowing employees to consider the information and respond – it's meant to be a two-way process, not just about cascading information from the management!

The HSE recommend various ways of increasing worker involvement – for example in risk assessment, workplace inspections and by involving them in specialist workgroups to tackle specific health and safety issues.

What are the benefits of worker involvement?

Over many years, the HSE has carried out research to quantify the benefits of employee involvement and has concluded that, where employees genuinely feel they have a say in health and safety:-

- accident rates are lower
- employees feel more encouraged to raise concerns
- employees are more aware of workplace risks

It's not just the HSE that has recognised the benefits. The US Chemical Safety Board (CSB) issued a safety digest on the importance of worker participation (https://www.csb.gov/assets/1/6/worker_safety_digest.pdf) in September 2019, stating it is "is an essential element to improve process safety and prevent chemical incidents." The document describes four incidents investigated by the CSB (three of which resulted in fatalities), where they concluded that ineffective worker participation was a significant contributor or provided evidence that there had been opportunities for improved practices.

Why is worker involvement likely to receive more emphasis in the future?

The publication of BS ISO45001 – the international standard for occupational health and safety management systems in 2018 is likely to increase the pressure on organisations to promote worker involvement, because if organisations choose to apply for certification, they must provide evidence that senior management are "ensuring active participation of workers and, where they exist, workers' representatives".

The use of the word *active* suggests that just inviting representatives to committee meetings will not be sufficient – that there should be continuous engagement to encourage suggestions and all workers to take responsibility for health and safety standards in the area they work.

Recently issued health and safety information:

- L40 (revised) Guidance on Vibration at Work Regulations
<http://www.hse.gov.uk/pubns/priced/l140.pdf>
- HSE safety alert
<http://www.hse.gov.uk/safetybulletins/catastrophic-rupture-dead-leg-pipe-work.htm>
- HSE redesigned DSE guidance
<http://www.hse.gov.uk/msd/dse/>
- HSE's revised HAVs calculator
<http://www.hse.gov.uk/vibration/HA/vibrationcalc.htm>
- IOSH's Improving designers' knowledge of hazards
<https://www.iosh.com/designershazards>
- Dust in metalworking e-book
https://www.3m.co.uk/3M/en_GB/metalworking-uk/resources/health-and-safety-ebook

Overhead power lines campaign

The Energy Networks Association and GB's electricity network operators have joined forces to raise awareness of the hazards of overhead power lines in their "Look Out Look Up" safety campaign – with the key objectives of:

- Raising awareness of the risks of overhead power lines
- Increasing understanding of how to deal with them safely
- Motivating people who may come into contact with power lines to adopt safe behaviours
- Encouraging people to recognise 105 as the national number for power emergencies across the UK

The campaign is accessible through <http://www.energynetworks.org/electricity/she/safety/safety-advice/overhead-power-lines-safety-campaign-transport-hauliers.html> and contains access to videos, leaflets and stickers.

The campaign estimates that at least one person per month is killed due to contact with overhead power lines.

Case Law update

This issue focuses on cases that involve contact with overhead power lines

A Swindon-based scaffolding company and its director were prosecuted after a worker was left with life-changing injuries following contact with a 33KV overhead power line. The worker was erecting scaffolding at the time he received an electric shock, which led to the amputation of his left arm above the elbow, his right arm below the elbow and both of his feet. The 32-year-old also suffered severe burns to his legs and back, damage to his vocal chords, and was in an induced coma

for six weeks. The HSE investigation found the scaffolding should not have been built to that height so close to overhead power lines and that the company and its director failed to ensure a safe system of work was in place. Boundary Scaffolding Limited, pleaded guilty to breaching Regulation 2(1) of the Health and Safety at Work etc. Act 1974 and was fined **£80,000** with costs of **£1415.10**. The company director also pleaded guilty and was sentenced to **six months in prison**, suspended for 12 months with **£1545** costs.

Two Norfolk-based companies were fined over **£215,000** with **£13,000** costs after a worker, who

was operating the controls of a lorry mounted drilling rig, came into contact with an 11KV overhead power line and suffered life-changing injuries. The companies had organised drilling work for the purposes of crop irrigation, but neither had taken effective precautions to prevent contact with the power lines, even though the mast of the drilling rig could extend to a height greater than the power lines. The injured worker suffered extensive burns to his scalp, arms, legs and feet and loss of two toes. The HSE Inspector involved in the prosecution commented "Similar incidents involving overhead power line strikes remain all too common in Great Britain and are almost always entirely avoidable"

About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

In business since 2000, we employ consultants with at least 15 years practical experience backed up by recognized professional and academic qualifications - ensuring our clients receive first class service.

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"Blue tape" report

The HSE has recently published a report about "blue tape" (<http://www.hse.gov.uk/regulation/assets/docs/understanding-impact-business-to-business-health-safety-rules.pdf>). Blue tape is the name given to the health and safety rules imposed by one business on another.

The report concludes that although about 70% of businesses stated that health and safety was not a burden, 35% commented that they felt there was no clear link between what they have to do for health and safety and actually keeping employees safe. One of HSE's objectives for 2019/20 is to promote proportionality in health and safety management.

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