



BOOK 1

International General Certificate

ELEMENT 1:
MANAGE WORKPLACE HEALTH AND SAFETY

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NEBOSH

NEBOSH (The National Examination Board in Occupational Safety and Health) was formed in 1979 as an awarding body with charitable status. They offer a comprehensive range of globally-recognised, qualifications designed to meet the health, safety and environmental management needs of all places of work.



Courses leading to NEBOSH qualifications attract around 50,000 candidates annually and are offered by over 600 course providers, with exams taken in over 110 countries around the world. In 2014, NEBOSH awarded Britain's highest award for trade success, the Queen's Award for Enterprise, for their "outstanding achievement" in International Trade.

NEBOSH qualifications are recognised by the relevant professional membership bodies including the Institution of Occupational Safety and Health (IOSH) and the Chartered Institution of Water and Environmental Management (CIWEM).

NEBOSH examinations and assessments are set by its professionally qualified staff assisted by external examiners; most of whom are Chartered Safety and Health Practitioners or Chartered Environmentalists operating within industry, the public sector or in enforcement.

The technical standards are overseen by a Qualification and Technical Council with representatives drawn from national institutions.

NEBOSH is an awarding body approved by Scottish Qualifications Authority (SQA) Accreditation, which has a UK-wide regulatory remit.

NEBOSH IGC

NEBOSH International General Certificate in Occupational Health and Safety will help you to achieve recognition for your health and safety skills and knowledge anywhere in the world.

Over 35,000 people have achieved the qualifications since its introduction in 2004.

NEBOSH IGC is a appropriate qualification for managers, supervisors and employees throughout the world. It gives them the skills and know-how to fulfil their health and safety responsibilities in any country and in any kind of organisation.

The NEBOSH International General Certificate is also suitable for those embarking on a career in health and safety, providing a sound basis for progression on to the NEBOSH International Diploma. No previous health and safety knowledge is required.

Other organizations

There are some more organizations and institutes involve actively with occupational health and Safety issues globally.

ILO (The International Labour Organization)

The International Labour Organization (ILO) is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that labour peace is essential to prosperity. Today, the ILO helps advance the creation of decent work and the economic and working conditions that give working people and business people a stake in lasting peace, prosperity and progress. Its tripartite structure provides a unique platform for promoting decent work for all women and men. Its main aims are:

- To promote rights at work,
- Encourage decent employment opportunities,
- Enhance social protection,
- Strengthen dialogue on work-related issues.



The ILO aims to create worldwide awareness of the dimensions and consequences of work-related accidents, injuries and diseases and to place the health and safety of all workers on the international agenda and to stimulate and support practical action at all levels.

The ILO has adopted more than forty conventions and recommendations specifically dealing with occupational safety and health, as well as over forty codes of practice.

Conventions and Recommendations

- C155 - Occupational Safety and Health Convention, 1981 (No. 155)
- C187 - Promotional Framework for Occupational Safety and Health Convention, 2006
- C167 - Safety and Health in Construction Convention, 1988
- R197 - Promotional Framework for Occupational Safety and Health Recommendation, 2006
- R143 - Workers' Representatives Recommendation, 1971 (No. 143)
- R164 - Occupational Safety and Health Recommendation, 1981 (No. 164)

Guideline and Code of Practice

Code of practice is a written guidelines issued by an official body or a professional association to its members to help them comply with its ethical standards. Such as:

- Safety in the use of chemicals at work
- Safety and health in construction
- Prevention of major industrial accidents
- Safety and health in the construction of fixed offshore installations in the petroleum industry
- Safety and health in building and civil engineering work

Guideline

- Guidelines on occupational safety and health management systems
- Occupational Safety and Health Series, No. 72: Technical and ethical guidelines for workers' health

ISO (International Organization for Standardization)

ISO (International Organization for Standardization) is an independent, non-governmental membership organization and the world's largest developer of voluntary International Standards.

They are made up of their 163 member countries that are the national standards bodies around the world, with a Central Secretariat that is based in Geneva, Switzerland. Learn more about our structure and how we are governed.

International Standards make things work. They give world-class specifications for products, services and systems, to ensure **quality, safety and efficiency**. They are instrumental in facilitating international trade.

ISO has published more than 19 500 International Standards covering almost every industry, from technology, to food safety, to agriculture and healthcare. Such as:

- ISO 9001:2015: Quality management systems
- ISO 14001:2015:Environmental management systems
- ISO 31000:2009:Risk management
- ISO 45001:2018 Occupational Health and Safety Management System

ISO 45001, ISO's new Occupational Health and Safety Management System standard designed to replace OHSAS 18001.

This standard replaced the popular OHSAS 18001 standard, with the overall purpose remaining the improvement of occupational health and safety performance. ISO 45001 will more easily integrate with other ISO Management Systems standards including ISO 9001:2015 and ISO 14001:2015.

European Directives

A directive is a legal act provided for in the EU Treaty. It is binding in its entirety and obliges Member States to transpose it into national law within the set deadline. A directive enters into force once it is published in the Official Journal of the EU.



EU directives on safety and health at work have their legal foundation in Article 153 of the Treaty on the Functioning of the European Union (ex Article 137 TEC), which gives the EU the authority to adopt directives in this field. A wide variety of EU directives setting out minimum health and safety requirements for the protection of workers have since been adopted. Member States are free to adopt stricter rules for the protection of workers when transposing EU directives into national law, and so legislative requirements in the field of safety and health at work can vary across EU Member States.

Directive 89/391 - OSH "Framework Directive"

The European Framework Directive on Safety and Health at Work (Directive 89/391 EEC) adopted in 1989 was a substantial milestone in improving safety and health at work. It guarantees minimum safety and health requirements throughout Europe while Member States are allowed to maintain or establish more stringent measures.

Internationally recognized bodies

There are some more bodies which are national bodies but it will be use by other countries and we can consider them as international such as:

- **BSI** (British Standards Institute)
- **HSE** (Health and Safety Executive)
- **OSHA** (Occupational Safety and Health Administration)

ELEMENT 1: WHY WE SHOULD MANAGE WORKPLACE HEALTH AND SAFETY

Introduction

Occupational safety and health (OSH) also commonly referred to as occupational health and safety (OHS) or workplace health and safety (WHS) is an area concerned with the safety, health and welfare of people engaged in work or employment. The goals of occupational safety and health programs include fostering a safe and healthy work environment. OSH may also protect co-workers, family members, employers, customers, and many others who might be affected by the workplace environment. In the United States the term occupational health and safety is referred to as occupational health and occupational and non-occupational safety and includes safety for activities outside work.

The multi-disciplinary nature of health and safety

Occupational safety and health is an extensive multidisciplinary field, invariably touching on issues related to scientific areas such as medicine – including physiology and toxicology – ergonomics, physics and chemistry, as well as technology, economics, law and other areas specific to various industries and activities.

Occupational health and safety and Welfare

Employers have a duty under the Health and Safety at Work etc Act 1974 to ensure, so far as reasonably practicable, the health, safety and welfare of their employees at work. People in control of non-domestic premises have a duty towards people who are not their employees but use their premises. The Regulations expand on these duties and are intended to protect the health and safety of everyone in the workplace, and ensure that adequate welfare facilities are provided for people at work.

Safety

The condition of being protected from physical risk of injury called safety.

‘Safety’ can also be defined as the absence of danger or physical harm to persons, extending in the workplace to things such as equipment, materials and structures.

Health

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. (WHO definition)

The term ‘health’ can be defined as a state of well-being in both a physiological and psychological sense. In occupational terms, it would include not suffering for example from fatigue, stress or noise induced deafness.

Welfare

‘Welfare facilities’ are those that are necessary for the well-being of your employees, such as washing, toilet, rest and changing facilities, and somewhere clean to eat and drink during breaks.

The term 'welfare' relates to the provision of workplace facilities that maintain the basic well-being and comfort of the worker such as eating, washing and toilet facilities which enable them to fulfill their bodily functions.

Environmental protection

'Environmental protection' may be defined as a measure used to prevent harm to the environment of the world. It prevents harm to air, water, land and natural resources providing protection to flora, fauna and human beings and their inter-relationships.

Health and Safety concerns and problems

Occupational safety and health can be important for moral, legal, and financial reasons. In common-law jurisdictions, employers have a common law duty (reflecting an underlying moral obligation) to take reasonable care for the safety of their employees, Statute law may build upon this to impose additional general duties, introduce specific duties and create government bodies with powers to regulate workplace safety issues: details of this will vary from jurisdiction to jurisdiction. Good OSH practices can also reduce employee injury and illness related costs, including medical care, sick leave and disability benefit costs.

1.1 Morals and money

"Everyone has the right to live a life in conformity with human dignity."

Moral expectations of good standards of health and safety

Every 15 seconds, a worker dies from a work-related accident or disease.

Every 15 seconds, 153 workers have a work-related accident.

Most people agree that while achieving business targets, companies should do CSR at the same time. Business ethics (also corporate ethics) examines ethical principles and moral or ethical problems that arise in a business environment. It applies to all aspects of business conduct and is relevant to the conduct of individuals and entire organizations.

No-body comes to work to get injured or to become ill. No-one likes getting injured or seeing their colleagues or friends injured in accidents. Nothing is more important than the humane aspects of accidental loss: injury, pain, sorrow, anguish, loss of body particles or functions, occupational illness, disability and death. Employers and employees have a moral responsibility to prevent accidents and ill-health at work.

Societal expectations of good standards of health and safety

Societal expectation is a dynamic phenomenon and tends to rise over time with changes and development globally. For example, the standards of safety accepted in mine industry years ago would be considered to be unacceptable nowadays. We expect health and safety of the people to be considered seriously and their safety guaranteed due to findings and technology developments plus our knowledge increase by social media.

Corporates have to consider societal expectations in their standard development since society can influence standards through:

- People only working for good employers (effective in times of low unemployment)
- Media power to highlight poor performance of organizations
- Schools teaching good standards of health and safety
- Watching TV and other programs which improve safety knowledge

The financial cost of incidents (insured and uninsured costs)

An estimated 2.3 million people die every year from work-related accidents and diseases. More than 160 million people suffer from occupational and work-related diseases, and there are 313 million non-fatal accidents per year. The suffering caused by such accidents and illnesses to workers and their families is incalculable. In economic terms, the ILO has estimated that more than 4% of the world's annual GDP is lost as a consequence of occupational accidents and diseases.



Workplace injury and work-related ill health impose costs on employers (e.g. sick pay), on individuals (e.g. the human costs of pain, grief and suffering) and on the Government (e.g. health care expenditure).

Costs to individuals

This section presents monetary estimates of the net costs of workplace injury and work-related ill health to victims and in some cases those who are close to them. The relevant cost categories can be summarised as follows:

- Loss of net income
- Compensation payments
- Health and rehabilitation costs
- Administrative costs
- Non-financial human costs (This is a measure of social cost)

Costs to employers

The relevant cost categories for an employer can be summarised as follows:

- Sick pay
- Insurance premiums
- Production disturbance
- Administrative costs
- Investigations and prosecutions

Costs to the government

The relevant costs can be summarized as follows:

- Benefits payments
- Reductions in income tax and national insurance receipts
- Medical treatment and rehabilitation costs
- Administration costs
- Investigation costs

The business case for health and safety is centred on the potential costs of poor standards of health and safety. Fines in excess of £250,000 and even higher levels of compensation payments are not uncommon. As mentioned earlier, the costs may be direct or indirect and insured or uninsured. Some examples of these follow.

Direct costs

These are costs which are directly related to the accident and may be insured or uninsured. Insured direct costs normally include:

- claims on employers and public liability insurance;
- damage to buildings, equipment or vehicles;
- any attributable production and/or general business loss;
- the absence of employees.

Uninsured direct costs include:

- fines resulting from prosecution by the enforcement authority;
- sick pay;
- some damage to product, equipment, vehicles or process not directly attributable to the accident (e.g. caused by replacement staff);
- increases in insurance premiums resulting from the accident;
- any compensation not covered by the insurance policy due to an excess agreed between the employer and the insurance company;
- legal representation following any compensation claim.

Indirect costs

These are costs which may not be directly attributable to the accident but may result from a series of accidents. Again these may be insured or uninsured. Insured indirect costs include:

- a cumulative business loss;
- product or process liability claims;
- recruitment of replacement staff.
- Uninsured indirect costs include:

- loss of goodwill and a poor corporate image;
- accident investigation time and any subsequent remedial action required;
- production delays;
- extra overtime payments;
- lost time for other employees, such as a first aider, who tend to the needs of the injured person;
- the recruitment and training of replacement staff;
- additional administration time incurred;
- first-aid provision and training;
- lower employee morale possibly leading to reduced productivity.

Some of these items, such as business loss, may be uninsurable or too prohibitively expensive to insure. Therefore, insurance policies can never cover all of the costs of an accident or disease because either some items are not covered by the policy or the insurance excess is greater than the particular item cost.

Provision of health and safety arrangements

To comply with legal requirement and to meet its duty of care, employer will provide:

- A safe place of work
- Safe plant and equipment
- Safe systems of work
- Training and supervision
- Competent workers

The business case for health and safety

Uninsured Cost

Indirect costs are all the "uninsured" additional costs associated with an accident. What is important to realize is that indirect costs are usually much greater than direct costs.

- Product and material damage
- Lost production time
- Legal costs
- Overtime & temporary labour
- Investigation time/Administration
- Supervisors time
- Fines
- Loss of expertise/experience
- Loss of morale
- Bad publicity

Insured Cost

Direct or insured costs for accidents are usually considered those costs covered by workers compensation insurance and other minor medical costs for the accident. The company pays insurance to cover these costs. The average direct costs depend on the nature of the injury or illness, but usually range from \$1,000 to \$20,000. A good round figure to use when estimating all lost time workplace injuries is \$10,000. Of course, the more accidents, the higher the insurance.

Employers' liability insurance

Employers are responsible for the health and safety of their employees while they are at work. Your employees may be injured at work or they, or your former employees, may become ill as a result of their work while in your employment. They might try to claim compensation from you if they believe you are responsible. The Employers' Liability (Compulsory Insurance) Act 1969 ensures that you have at least a minimum level of insurance cover against any such claims.

Employers' liability insurance will enable you to meet the cost of compensation for your employees' injuries or illness whether they are caused on or off site. However, any injuries and illness relating to motor accidents that occur while your employees are working for you may be covered separately by your motor insurance.

1.2 Regulating health and safety

Organisations have a legal obligation to prevent accidents and ill-health. Health and Safety Legislation in the UK consists of a number of Acts that are supported by subordinate legislation in the form of Regulations.

The principal act is the Health and Safety at Work Act, 1974. This Act sets in place a system based on self-regulation with the responsibility for accident control placed on those who create the risks in the first instance. It also allows for the progressive replacement of existing safety law so that the general duties set in the 1974 act could be backed by Regulations, setting goals and standards for specific hazards and industries. Any breach of this statutory duty can result in criminal proceedings.

Law is a system of rules that are enforced through social institutions to govern behaviour. Laws can be made by legislatures through legislation (resulting in statutes), the executive through decrees and regulations, or judges through binding precedent (normally in common law jurisdictions).

Private individuals can create legally binding contracts, including (in some jurisdictions) arbitration agreements that may elect to accept alternative arbitration to the normal court process.



Criminal law and Civil law

The adjudication of the law is generally divided into two main areas referred to as (i) Criminal law and (ii) Civil law. Criminal law deals with conduct that is considered harmful to social order and in which the guilty party may be imprisoned or fined. Civil law deals with the resolution of lawsuits (disputes) between individuals or organizations. The role of national governments and international bodies in formulating a framework for the regulation



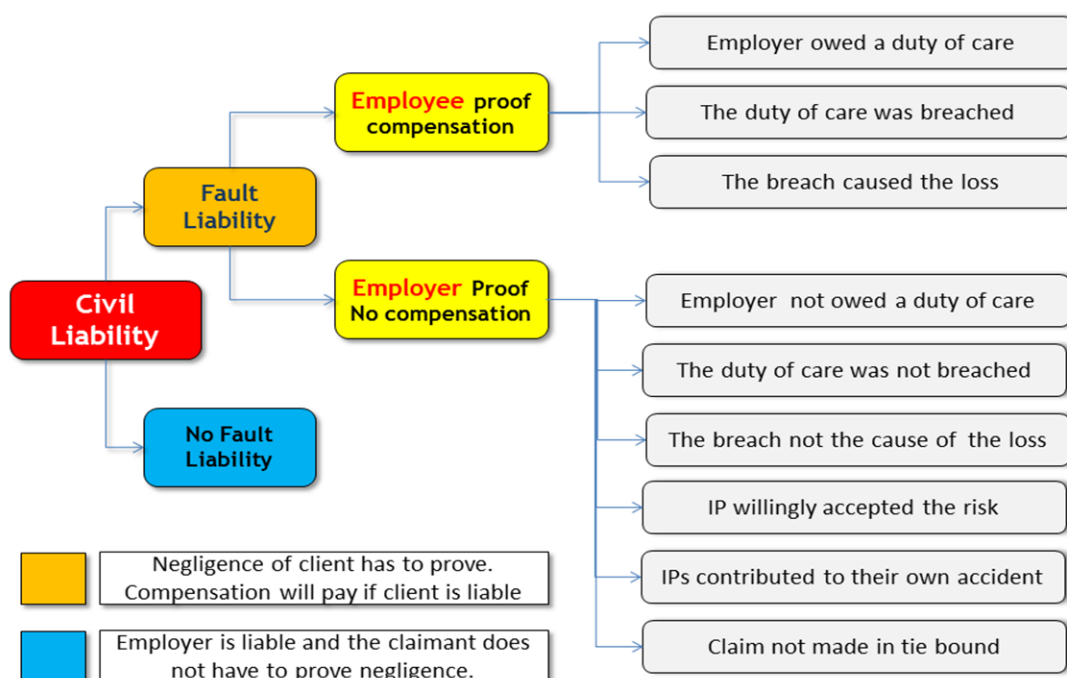
of health and safety need to be considered. The issue will be discussed here in international such as ILO and national UK legal framework.

Civil law

The aim of Civil Law is to compensate an injured party for loss suffered as a consequence of an accident, ill-health or death. Therefore, a civil case involves an action against an individual / body.

Around the world the systems vary but there are generally 2 types of civil liability:

- Fault Liability
- No Fault Liability



Fault liability

Under this system it is the responsibility of the injured person to show that the party who caused the injury had a responsibility.

The injured person has to show that:

- They were owed a duty of care
- The duty of care was breached (the other person was negligent)
- The breach caused the loss (injury, ill-health, death)

There was a Duty of Care owed

In most countries, there is a duty imposed on all of us to try to avoid injuring each other. This applies whether we are householders, road users, employers, manufacturers or suppliers of goods or otherwise engaged in business, social or sporting activities involving risk of injury to others.

Duty of Care has been defined as:

You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour.

The Duty of Care was breached

This usually means that the employer was negligent and failed to provide reasonable care to prevent a foreseeable loss.

Negligence has been defined as:

The failure to do something which a reasonable man would do or do something which a reasonable man would not do

The breach caused the loss

Unless injury or loss has occurred there cannot be a claim. The Civil Law case outcome is compensatory therefore if no injury or loss has occurred there is nothing to be compensated for. Therefore it can be seen that before any action for damages can be considered, the employee must show all three conditions have been satisfied.

Employer's defenses against claims for negligence

The employer's defence can be to dispute the above, i.e.

- No Duty of Care owed to claimant
- Not in Breach of Duty, i.e. no negligence has occurred
- No injury or loss has occurred

In some legal systems there are other defences available to the employer

- The person willingly accepted the risk
- They contributed to their own accident
- Claim was not made within prescribed time limits

When it has been established that there is a claim, the amount of damages has to be calculated. This can include such things as loss of earnings, loss of future earnings and compensate for pain, suffering and loss of quality of life.

No fault liability

In this system it is assumed that the employer is liable and the claimant does not have to prove negligence.

Vicarious Liability

In some legal systems the employer may be held responsible for the negligent actions of the employee whilst working in **the course of their employment**.

Criminal law

The aim of criminal law is to punish and deter individuals / organisations from behaving in a way that society has decided is unacceptable and is considered a crime by society and is prosecuted by the state.

Five objectives are widely accepted for enforcement of the criminal law by punishments:

- Retribution;
- Deterrence;
- Incapacitation;
- Rehabilitation; and
- restoration.

Jurisdictions differ on the value to be placed on each.

In many countries, Health and Safety law sets standards that employers are expected to meet and if not they may be prosecuted.

The punishment for organisations will often be fines but where people are found guilty of breaking the criminal law there are various ranges of punishments depending on the country's legal systems. People can be fined or imprisoned, their assets could be confiscated, and there could also be restrictions on activities and offices held.

Depending on the country's legal system, the people prosecuted may range from senior management down to individual employees.

Regulatory Approaches

Three basic regulatory approaches are:

- Prescriptive Regulatory Approach
- Performance Based Regulatory Approach
- Goal-Setting Regulatory Approach

Prescriptive Regulatory Approach (United States)

Prescriptive legislation detailed the technical requirements such as the employer must take action to prevent anyone falling more than 2 metres or all cranes must be inspected every 12 months by a competent person.

The advantages of this are that the employer has clear requirements to meet. However it is considered that this type of legislation is too limited and does not have any flexibility.

Performance Based Regulatory Approach (Finland)

The regulatory body sets or formally approves the general (or basic high level) acceptance criteria and leave it to the licensee to set its own specific acceptance criteria in order to meet the high level acceptance criteria. This is an example of “Performance Based Regulatory Approach”.

Goal-Setting Regulatory Approach (UK)

Goal setting within health and safety laws tends to set minimum standards rather than relying on compliance with specific technical requirements. The health and safety responsibilities of employers are clearly stated, however it is for the employer to develop effective ways of meeting those responsibilities. The type of wording in this type of legislation may say that the employer must take precautions where there is a likelihood that someone can fall. This means that the employer must consider areas not just above 2 metres.

What enforcement agencies do and what happens if you don't comply

The ultimate purpose of the enforcing authorities is to ensure that duty-holders manage and control risks effectively, thus preventing harm. The term ‘enforcement’ has a wide meaning and applies to all dealings between enforcing authorities and those on whom the law places duties (employers, the self-employed, employees and others).

The purpose of enforcement is to:

- Ensure that duty-holders take action to deal immediately with serious risks;
- Promote and achieve sustained compliance with the law;
- Ensure that duty-holders who breach health and safety requirements, and directors or managers who fail in their responsibilities, may be held to account, which may include:
 - Bringing alleged offenders before the courts
 - Recommending prosecution

Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be pursued, nor to assist such claims.

The HSE Enforcement Policy Statement adopts a wide definition of “enforcement”:

Enforcement authority actions against an employer

Actions an enforcement authority might take if it finds that an employer is not fulfilling its responsibilities could be:

- Advice and Guidance
- Formal action

Advice and Guidance by enforcement authorities

Enforcing authorities may offer duty holders information and advice, both face to face and in writing. They may warn a duty holder that in their opinion, they are failing to comply with the law either verbally or in writing.

Formal action by enforcement authorities

Where appropriate, they may also serve:

- Improvement and prohibition notices within a given period of time
- withdraw approvals and the cessation of work until improvements are made
- vary license conditions or exemptions
- issue formal cautions
- taking formal legal proceedings such as prosecution

The part played by international standards (like ISO 45001)

ISO 45001 is a standard created with legal requirements to help organisations improve employee safety, reduce workplace risks and create better working conditions.

ISO 45001:2018 specifies requirements for an occupational health and safety (OH&S) management system, and gives guidance for its use, to enable organizations to provide safe and healthy workplaces by preventing work-related injury and ill health, as well as by proactively improving its OH&S performance.

ISO 45001:2018 is applicable to any organization that wishes to establish, implement and maintain an OH&S management system to improve occupational health and safety, eliminate hazards and minimize OH&S risks (including system deficiencies), take advantage of OH&S opportunities, and address OH&S management system nonconformities associated with its activities.

ISO 45001:2018 helps an organization to achieve the intended outcomes of its OH&S management system. Consistent with the organization's OH&S policy, one of the intended outcomes of an OH&S management system is fulfilment of legal requirements and other requirements;

It is applicable to any organization regardless of its size, type and activities. It is applicable to the OH&S risks under the organization's control, taking into account factors such as the context in which the organization operates and the needs and expectations of its workers and other interested parties.

The International Labour Organisation's (ILO) Convention C155 and Recommendation R164

The ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice. Nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues.

Conventions and Recommendations

Fundamental principles of occupational safety and health

- Occupational Safety and Health Convention, 1981 (No. 155)
- Occupational Health Services Convention, 1985 (No. 161)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Health and safety in particular branches of economic activity

- Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Safety and Health in Agriculture Convention, 2001 (No. 184)

Protection against specific risks

- Radiation Protection Convention, 1960 (No. 115)
- Occupational Cancer Convention, 1974 (No. 139)
- Asbestos Convention, 1986 (No. 162)
- Chemicals Convention, 1990 (No. 170)

Employers' responsibilities

(C155 Article 16 and R164 recommendation 10)

Employers should be required to:

- (a) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;
- (b) comply with instructions given for their own safety and health and those of others and with safety and health procedures;
- (c) use safety devices and protective equipment correctly and do not render them inoperative;
- (d) report forthwith to their immediate supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct;
- (e) report any accident or injury to health which arises in the course of or in connection with work.

Furthermore in recommendation 10. The obligations placed upon employers with a view to achieving the objective set forth in Article 16 of the Convention might include, as appropriate for different branches of economic activity and different types of work, the following:

- (a) to provide and maintain workplaces, machinery and equipment, and use work methods, which are as safe and without risk to health as is reasonably practicable;
- (b) to give necessary instructions and training, taking account of the functions and capacities of different categories of workers;
- (c) to provide adequate supervision of work, of work practices and of application and use of occupational safety and health measures;
- (d) to institute organisational arrangements regarding occupational safety and health and the working environment adapted to the size of the undertaking and the nature of its activities;
- (e) to provide, without any cost to the worker, adequate personal protective clothing and equipment which are reasonably necessary when hazards cannot be otherwise prevented or controlled;
- (f) to ensure that work organisation, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;
- (g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue;
- (h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

workers' responsibilities and rights

[\(C155 Article 19 and R164 recommendation 16\)](#)

Employers shall be required to provide arrangements at the level of the undertaking under which:

- (a) workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;
- (b) representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;
- (c) representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;
- (d) workers and their representatives in the undertaking are given appropriate training in occupational safety and health;
- (e) workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated

with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;

(f) a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

The arrangements provided for in Article 19 of the Convention should aim at ensuring that workers--

(a) take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;

(b) comply with instructions given for their own safety and health and those of others and with safety and health procedures;

(c) use safety devices and protective equipment correctly and do not render them inoperative;

(d) report forthwith to their immediate supervisor any situation which they have reason to believe could present a hazard and which they cannot themselves correct;

(e) report any accident or injury to health which arises in the course of or in connection with work.

Where you can find information on national standards

National standard body represents economic and social interests across all standards organizations and in the development of business information solutions for given country's organizations of all sizes and sectors.

The role is to help improve the quality and safety of products, services and systems by enabling the creation of standards and encouraging their use.

They publish many standards annually, underpinned by a collaborative approach, engaging with industry experts, government bodies, trade associations, businesses of all sizes and consumers to develop standards that reflect good business practice.

1.3 Who does what in organisations

In order to effectively manage your staff, it is important to provide them with a clear definition and understanding of their role, function, and responsibilities in the workplace. This will provide them with a good understanding of the job and tasks they are to perform as an individual and within any teams they are a part of. It also provides information on where they fit within the organisation and who they report to, helping to avoid disputes and misunderstandings over authority.

It shall be the duty of every employer to ensure, so far as is **reasonably practicable**, the health, safety and welfare at work of all his /her employees” and in particular that such a duty extends to:

- Provision and maintenance of safe plant and systems of work
- Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- Provision of such information, instruction, training and supervision as is necessary to ensure, the health and safety of his employees
- Provision and maintenance of workplace condition that is safe and without risks to health
- provision and maintenance of means of access to and egress from it that are safe and without such risks and
- Provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health,.

Employer’s duties to others

The duty of all employers and self-employed persons to ensure, as far as is reasonably practicable the safety of persons other than employees:

- Visitors
- The general public
- Other employers’ employees
- Trespassers
- Contractors
- Clients.

Visitors

Precautions to ensure the safety of visitors could include:

- Signing in
- Providing identification badge
- Providing PPE
- Site induction e.g. fire precautions etc.
- Escorting visitor to area of work
- Remaining with visitor or regular monitoring
- Escorting back to reception area
- Signing out visitor and removing badge

Directors and senior managers

The main health and safety responsibilities of directors and senior managers are:

- To prepare and sign a health and safety policy
- To set goals and objectives for the organization
- To lead by example
- To demonstrate commitment
- To allocate responsibilities for health and safety throughout the organisation
- To set aside sufficient resources include human resources and specialized skills, organizational infrastructure, technology and financial resources.
- To secure competent health and safety advice such as by appointing an Advisor
- To receive monitoring reports and instigate action
- To rectify any deficiencies that have been found
- To provides the framework for setting and reviewing OH&S objectives

Top management commitment

Top management should demonstrate the leadership and commitment necessary for the OH&S management system to be successful and to achieve improved OH&S performance. These commitments are:

- Prevention of injury and ill health
- Continual improvement in oh&s management and oh&s performance
- At least comply with applicable legal requirements and with other requirements

Top management demonstrating commitment by:

- Ensuring availability of resources so the occupational health and safety management system is established, implemented and maintained
- Defining roles and responsibilities
- Appointing member of senior management with specific responsibility for health and safety
- Appointing one or more competent persons and adequate resources to provide assistance in meeting the organisation's health and safety obligations (including specialist help where necessary)
- Role in reviewing health and safety performance

In general a senior manager of the company, demonstrate his/her commitments by following his/her roles and responsibilities mentioned above.

Supervisors and workers

Supervisors

As for supervisors, they should:

- Control work in their area of responsibility
- Set a good example
- Take part in carrying out risk assessments,
- Take part in the development of consequent safe systems of work
- Ensure that members of their teams are fully briefed on the systems
- Carry out inspections of their working areas

- Deal with any unsafe conditions or actions
- Report to managers if in any situation they personally do not have the power to take the necessary action
- Play role in training, coaching and mentoring members of their team

Workers

The roles and responsibilities of workers including:

- Taking reasonable care of themselves and their fellow workers,
- Refraining from misusing equipment provided for their health and safety
- Cooperating with their employer by following safe systems of work
- Reporting accidents and unsafe situations to their supervisor or other nominated member of management
- Play role in taking an active part in any consultation exercise set up by the employer.

Health and safety practitioner

A person with primary health and safety functions such as a health and safety officer would be expected:

- To provide expert advice on matters of health and safety
- Assist in the development of the health and safety policy and procedures and their periodic reviews
- Intervene when he/she comes across any unsafe conditions or acts
- Keep health and safety records such as for accidents and any apparent trends
- Liaise with representatives of external agencies

Designers, Manufacturers, Importers and Suppliers

Designers, manufacturers and suppliers had to do some measures to ensure their products were safe and fit for purpose in respect of health and safety in the workplace:

Designers

CDM does place certain specific duties directly on designers to:

- Eliminate reasonably foreseeable hazards
- Reduce practicably risks from those hazards that cannot be eliminated
- Provide information on residual risks if they are
- Consider how the building will be cleaned, maintained and ultimately demolished
- Ensure that designs for workplaces meet the legal requirements

Manufactures

Manufacturing which is the process of converting raw materials, components, or parts into finished goods that meet a customer's expectations or specifications, is a diverse sector that encompasses a large number of industries and sub-industries, ranging from heavy industries to specialist or delicate operations. They span large employers to those dominated by micro-businesses or the self-employed, and include growing industries as well as those in decline. The health or safety hazards are often

specific to the processes involved, which differ substantially between industry/subsector.

Manufacturers in general has to:

- Corporate risk management and practices in relation to higher hazard activities
- Ensuring the risks and controls are recognized, understood and implemented
- Make sure standards are maintained and improved
- Seek health and safety improvements, particularly in light of any changing processes or technologies

Suppliers

Suppliers must considering following measures:

- Make sure equipment is safe to use, whether new, second-hand or hired out
- Make reasonable checks that the products are safe
- Provide equipment with relevant information, including the instructions for use
- Ensuring the product is thoroughly examined before made available for use

In general and with referring to HASAWA 1974 the duty of any person, who designs, manufactures imports or supplies any article for use at work to:

- Ensure, so far as is reasonably practicable, that the article is so designed and constructed that it will be safe and without risks to health at all times when it is being set, used, cleaned or maintained by a person at work
- Perform such testing and examination as may be necessary to ensure safety
- Take such steps as are necessary to secure that persons supplied with the article are provided with adequate information about the use for which the article is designed, or has been tested, and about any conditions necessary to ensure that it will be safe and without risks to health at all times, including when it is being dismantled or disposed of
- Take such steps as are necessary to secure, so far as is reasonably practicable, that persons are provided with all such revisions of information as are necessary by reason of its becoming known that anything gives rise to a serious risk to health or safety.

Self-employed

Self-employment is the act of generating one's income directly from customers, clients or other organizations as opposed to being an employee of a business (or person).



Based on the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 Self-employed have duties.

They have to make sure that they assessed the risks to:

- Their own health and safety at work
- The health and safety of other people they work with

For carrying out a risk assessment, they need to:

- Understand what, in their business, might cause harm to people
- Decide whether they are doing enough to prevent that harm
- Identify and prioritise putting in place, appropriate and sensible control measures

Employees Rights

Your rights as an employee to work in a safe and healthy environment are given to you by law and generally can't be changed or removed by your employer. The most important of these rights are:

- work in places where all the risks to your health and safety are properly controlled
- stop working and leave the area if you think you are in danger
- be consulted on matters related to your health and safety at work
- inform your employer about health and safety issues or concerns
- contact HSE or your local authority, if you still have health and safety concerns without getting into trouble
- join a trade union and be a safety representative
- paid time off work for training if you are a safety representative

- a rest break of at least 20 minutes if you work more than six hours at a stretch and to an annual period of paid leave
- suitable and sufficient toilets, washing facilities and drinking water
- Adequate first-aid facilities

How top management can demonstrate commitment

Top management must demonstrate leadership and commitment with respect to the quality system by 'ensuring that:

- making resources available to design, implement and maintain the occupational health and safety management system
- defining roles and responsibilities
- appointing senior managers with specific responsibility for health and safety
- appointing competent people (internal and external, including specialists) to help the organisation meet its health and safety obligations
- reviewing health and safety performance

Responsibilities of organisations who share a workplace to work together on health and safety issues (C155 Article 17, R164 Recommendation 11)

C155 Article 17

Whenever two or more undertakings engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of this Convention.

R164 Recommendation 11

Whenever two or more undertakings engage in activities simultaneously at one workplace, they should collaborate in applying the provisions regarding occupational safety and health and the working environment, without prejudice to the responsibility of each undertaking for the health and safety of its employees. In appropriate cases, the competent authority or authorities should prescribe general procedures for this collaboration.

How clients and contractors should work together:

Management of OHS in a workplace environment where a client and one or more contractors work together requires appropriate management and cooperation between all parties and a clear definition of the tasks and responsibilities of each of the parties.

Definition

Client

Client is a company that issues a contract to a contractor or subcontractor. The contractor may then take the role of client by issuing contract(s) to subcontractor(s).

Contract(s)

An agreement between two parties by which both are bound in law and which can therefore be enforced in a court or other equivalent forum.

Contractor(s)

A contractor is an individual or a company carrying out work under a written or verbally agreed contract for a client. (OGP)

A contractor is anyone you get in to work for you who are not an employee. Client uses contractors for maintenance, repairs, installation, construction, demolition and many other jobs. (HSE)

Client Responsibilities

Clients (as employers) should protect contractors as well as their own workforce from health risks and personal injury and conduct all undertakings in such a way as to ensure that members of the public around or entering their premises are also protected.

Duties for client under health and safety law when employing contractors are:

- Selecting a suitable subcontractor
- Ensuring contractors have sufficient skills and knowledge to do the job safely
- Assessing the risks of the work and contractor should be aware of its findings
- Assessing the risks for the contracted work
- Providing any information to contractors on the risks from your activities and the controls you have in place
- Considering, with the contractor, what instruction and training contractors will need
- Setting up liaison arrangements for co-operation and co-ordination
- Deciding how to manage and supervise the work of contractors

This also applies when a contractor employs subcontractors.

Contractor management is the managing of outsourced work performed for an organization. For an organization that outsources work to contractors it's very important to have a system in place to manage those contractors' performance and compliance with legal and other requirements such as contract and clients' plans and procedures. There are 5 steps for better managing of contractors:

Step 1: Planning

Step 2: Selecting a contractor

Step 3: Contractors working on site

Step 4: Keeping a check

Step 5: Reviewing the work

Step 1: Planning

Define the job, identify hazards, assess risks and introduce controls to eliminate or mitigate risk to contractors

Step 2: Selecting a contractor

The deciding factors in choosing the contractor you choose may include:

- Previous experience with the type of work
- Image and reputation among existing or past clients
- References and recommendation from previous clients
- Existing risk assessments or safety method statements
- Health and safety policy, practice and safety procedures
- Procedure to use any subcontractors
- Contractor safety method statement for this job(if contractor has to do so)
- Membership of a trade/professional body
- Plan for appraising subcontractor's competency
- Method of conveying information about health and safety to staff
- Training program and records of contractors
- Certificates of competence and participation in health and safety training
- Records related to prohibition notice or accident and ill-health records
- Suitable insurance of subcontractor

Step 3: Contractors working on site

- All contractors sign in and out
- Name a site contact
- Reinforce health and safety information and site rules
- Check the job and allow work to begin

Step 4: Keeping a check

- Assess the degree of contact needed
- How is the job going
 - As planned? Is the contractor working safely and as agreed?
 - Any incidents?
 - Any changes in personnel?
 - Are any special arrangements required?

Step 5: Reviewing the work

Review is the last stage in managing contractors. In this stage we will review the job and contractors performance:

The contractor performance

In this stage we will check to:

- See if there are any health and safety problems
- Assess their compliance and if accept them back on site again
- Find out if any action needs to be taken or pull them up
- Check if their housekeeping is in acceptable level
- Find out if their performance is good enough to give them recommendation

The job

Job related issues which need to be considered are as follow:

- Check the adequacy of the hazard identification and risk assessment
- Check if the work been done as agreed in the contract or in accordance with a safety method statement
- Find out if all testing been done, checked and recorded and the permits signed off

Reduce the risks to contractors

Before the project

Once the contractor is selected, it would be necessary:

- To share information they have on the particular risks in the working area
- To monitors the presence of vehicles including fork lift trucks
- To have the segregation systems for vehicles and pedestrians which were in place;
- To control the presence of hazardous materials such as asbestos
- To highlight the location of services such as electricity, water and gas
- To communicate general site safety rules such as a smoking policy and
- Reference to the host employer's safety policy

- To establish out requirements for permits to work for certain work activities;
- To establish out accident reporting procedures
- To establish emergency procedures
- To communicate the location of welfare facilities including first aid

During the project

Finally, whilst the building work is in progress, there would have to be on-going cooperation and coordination with the contractor, with regular monitoring of performance by, for example, inspections and audits in ensuring the health and safety of both their and the organisation's workers and this can best be done by the appointment of a responsible contact person.

Shared Responsibilities of client and contractor

In any client/contractor relationship in joint occupation and premises, both parties will have duties under health and safety law. Similarly, if the contractor employs sub-contractors to carry out some or all of the work, all parties will have some health and safety responsibilities. Based on law clients, contractors and sub-contractors must:

- Do the risk assessment and all parties be involved
- Provide their employees with information, instruction and training
- Be co-operation and co-ordination between all the parties involved
- Consult their employees on health and safety matters directly or through health and safety representatives

Clients, contractors and sub-contractors should also:

- Monitor their health and safety performance
- Review the work after completion to see if performance could be improved in future.

Co-operation and co-ordination

In any client/contractor relationship, there must be co-operation and co-ordination between all the parties involved, to ensure the health and safety of all at the workplace and anyone else likely to be affected. The client should set up liaison arrangements with all parties. This could take the form of regular meetings or briefings. Liaison is particularly important where variations of the work are proposed or where more than one contractor or sub-contractor is engaged