

# Unite guide for members

## Risk assessment



# Fire extinguishers

Published by Unite the union  
Len McCluskey, General Secretary

Unite House  
128 Theobald's Road  
Holborn  
London WC1X 8TN  
Tel: 020 7611 2500  
[www.unitetheunion.org](http://www.unitetheunion.org)

This guide book is downloadable in PDF format from  
<http://www.unitetheunion.com/healthandsafety>  
e-mail: [healthandsafety@unitetheunion.org](mailto:healthandsafety@unitetheunion.org)



# CONTENTS

Introduction	4
Standards of safety in Unite	5
What is risk assessment?	5
The Health and Safety Executive's approach	6
Methods of risk assessment	6
Unite steps to risk assessment	8
From risk assessment to risk prevention	9
Prevention priorities	10
What the law says and how to carry out assessments	11
Management regulations: what your employer must do	11
A suitable and sufficient risk assessment	13
Get it in writing	13
Competent persons	14
Your right to examine assessments	15
Other laws that require risk assessment	15
Hazardous substances	16
HSE's seven steps to substitution	17
Including gender issues in risk assessment	17
Examples of hazards & risks found in female dominated work	18
New hazards	21
What are the hazards in your workplace?	22
Does the assessment cover all the relevant factors?	23
Assessing your employer's action plan	24
Record keeping	24
Review	24
Assessing risk assessments	25
Union involvement	26
Consultation where the Unite is not recognised	26
Risk assessment checklist	27
Health and safety inspectors: what they do and how to find them	27

# INTRODUCTION

This guide to risk assessment highlights the purpose and pitfalls of workplace risk assessments and aims to help safety representatives raise awareness among Unite members.

It will also help Unite safety representatives to keep a close eye on the management of health and safety in the workplace and ensure that good policies are matched by good practice.

Risk assessment means identifying the hazards in the workplace and assessing the likelihood that these hazards will cause harm to employees and others. It is part of the systematic approach that employers are now required by law to adopt in order to manage health and safety effectively. It helps spot the prevention or control measures needed to protect workers and the public from harm.

Employers are obliged by law to ensure that all aspects of all jobs have been vetted for hazards and that 'reasonably practicable' measures have been taken to ensure that workers are not put at risk. But remember, no one knows the problems of a job better than the worker who has to do it.

If risk assessments are done correctly they can mean that workers are properly informed

about their working conditions, the risks and how to avoid them. It is the safety representative's job to make sure this happens. However, while safety representatives can be involved in risk assessments, and should always be asked to comment on them, the responsibility of doing a risk assessment lies with management.

No workplace risks are inevitable. A properly managed workplace should be healthy and safe. And it is the employer's responsibility to identify the risks and to take reasonably practicable measures to minimize them.

Too little regard for the health, safety and welfare of staff can mean that trained staff go sick or are forced to retire early. This isn't good for the worker and isn't good for the organisation.

Employers should ensure their staff are safe at work, and risk assessments should tell them what needs to be done to keep things that way. So what is going wrong?

~~The~~Unite believes that badly done risk assessments mean problems are underestimated, missed or just plain ignored. Which is why ~~the~~Unite is demanding that employers make proper risk assessments and take them seriously.

# STANDARDS TO SAFETY IN UNITE

1. Use your rights. Safety representatives have legal rights to information and to be consulted about any health and safety matters in the workplace.
2. No assessment, no work. Employers should not ask anyone to undertake work unless that particular job or function has been the subject of a risk assessment and the worker expected to do the job has been informed of how to do the job safely. All workers have the right to refuse work that presents 'a serious and imminent danger'.
3. Inspect. Inspections by safety representatives, surveys, 'risk mapping', or reviews of sickness absence and accident patterns and workplace health surveillance can identify the jobs causing the problems.
4. Get support. Unite regional officers, backed by Unite health and safety unit, who deal with thousands of safety enquiries each year – you need never feel alone!
5. Training. Unite safety representative training and other courses mean that many representatives have more safety knowledge than their managers.

## WHAT IS RISK ASSESSMENT?

Risk assessment is a simple concept. It is the process of identifying what hazards exist in a workplace and how likely these hazards are to cause harm to workers and others, in order to decide what prevention or control measures are needed.

However, risk assessment should also take account of gender issues, differences and inequalities. Work, its organisation and the equipment used should be designed to match people not the other way around.

There are various ways of assessing what the level of risk is, and they are dealt with later in this booklet. However, they all involve making judgments about how acceptable a risk is. Management will sometimes claim that risk assessment is a scientific process, but their decisions are based on values that the workers who take the risks may not share.

Unite representatives have used risk assessments to achieve better working conditions, more resources for health and safety and for greater involvement in


health and safety issues. However, none of this has happened by chance. The union has had to make sure that risk assessments deal with the issues which concern members promptly and thoroughly. Remember if the job changes ~~or if a female member becomes pregnant~~ then a new risk assessment must be carried out.

There is no set way of doing risk assessments and employers can and do adopt a mixture of approaches. What is essential to remember as a safety rep is that risk assessments should be systematic and thorough and that they look at what happens in real workplaces, not what the employer thinks ought to happen.

This means talking to the people who do the jobs and have practical understanding of the hazards and risks involved. It means observing what goes on at first hand, not just sitting at a desk reading manuals. The test of a good risk assessment is whether it enables the employer to identify what the risks are and what they need to do to prevent or control those risks.

# THE HSE'S APPROACH

The Health and Safety Executive has described the basic steps of making risk assessments in a free publication, Five Steps to Risk Assessment.

This pamphlet provides simple advice on risk assessment, aimed at small businesses. It is a useful starting point for doing risk assessments in any workplace, providing a systematic approach and a form .

- The five steps can be summarised as follows:

1. Look for and list the hazards.
2. Decide who might be harmed and how.
3. Evaluate the risks arising from the hazards and decide whether existing precautions are adequate or whether more should be done.

4. Record the findings.

5. Review the assessment from time to time and revise it if necessary.

A methodical, step-by-step approach is essential and Five Steps to Risk Assessment is a useful start. However, Unite believes that it should only be used as a starting point. In most organisations a more in-depth assessment is needed more regularly than the pamphlet suggests. The approach it suggests is really only suitable for small organisations where there are no major hazards.

## METHODS OF RISK ASSESSMENT

An employer might use a risk assessment to search for the hazards, jobs, work locations or management issues which could leave workers at risk.

### Employers could look at:

#### Hazards

For example, electrical safety, fire safety, manual handling, hazardous substances, work with VDUs, risk factors for repetitive strain injury, stress, lone working or violence.

#### Tasks

For example, cleaning, maintenance work, installation of plant or dealing with the public.

#### Locations

For example, laboratories, offices, libraries or work off-site.

#### Organisational factors

For example, staffing policies, systems of work, equipment-purchasing policies, consultation and participation, management techniques or working hours.

In identifying hazards the employer needs to look at accident and sickness records to see what problems have been reported in the past.

There are various ways of assessing the risk once a hazard has been identified.

The regulations make it clear that no one method will suit all circumstances, but whatever method is used must be 'suitable and sufficient'.

The simplest method is just ranking the risk and giving it a score, for example:

1 = slight risk of not very serious injury

2 = moderate risk (more people likely to be injured or more serious injuries likely to occur)

3 = high risk (significant chance of serious injury or death)

What this does is look at the severity of the risk using a method that the textbooks call 'numerical quantification'. This is very

subjective and has inbuilt assumptions about whether it is worth remedying 'slight risks' or even relatively high risks if they affect few workers.

Another system is using a chart called a matrix. A Matrix is a tool for prioritizing which hazards need dealing with first, and how quickly they need to be dealt with. Along one side of the chart will be the likelihood of something happening (such as an electric shock or a fall) and along the other side is the level of harm or severity that will come from the risk if it happens (for example a bruise, long-term illness). The chart can have as many steps as you like, but most use either three,

five or seven levels. The likelihood of something happening is then multiplied by the degree of harm it will cause and a decision on whether to take any action is made on the basis of how high a score you get. This method has the advantage of being simple to use and easy to understand, but is a bit mechanical and the criteria used are very subjective. It also does not take into account the number of workers involved.

The logical outcome of this exercise is to then carry out a full and detailed individual assessment of those hazards which have scored highly on the matrix.

A 5-level matrix might look like this:

<b>SEVERITY</b>							
		<b>5</b>	<b>5</b>	<b>10</b>	<b>15</b>	<b>20</b>	<b>25</b>
		<b>4</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>16</b>	<b>20</b>
		<b>3</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>	<b>15</b>
		<b>2</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>10</b>
		<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
			<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>LIKELIHOOD</b>							

The scoring might go like this:

<b>CATEGORY</b>	<b>SEVERITY</b>	<b>LIKELIHOOD</b>
<b>5</b>	<b>major injury</b>	<b>very likely</b>
<b>4</b>	<b>+ 3 days off work</b>	<b>likely</b>
<b>3</b>	<b>- 3 days</b>	<b>possible</b>
<b>2</b>	<b>first aid</b>	<b>unlikely</b>
<b>1</b>	<b>non-injury</b>	<b>almost impossible</b>

More sophisticated systems build in other factors such as the cost of any accident. An example of this is the risk calculator, which is widely used in industry. Similarly, the methods used in 'high risk' industries such as nuclear power plants and chemical factories – known as HAZOP – are extremely specialised systems that require a detailed knowledge. These are covered by regulations dealing with major accident hazards and nuclear installations.

The purpose of all these systems is to help employers prioritise the risks that need to be tackled first. They are not intended as an exact science and should only be used as a guide. What all the systems have in common is that they put a value on people's health.

No system will claim it can remove risk.

Instead it will attempt to reduce the risk to 'as low as is reasonably practical'. However what is reasonable to management may not be reasonable to you or your members. Usually decisions are based on the cost of putting things right, and the basis on which these decisions are made are totally arbitrary.

The most important first step is to find out what system your employer uses. Make sure you understand it and be prepared to question the assumptions that are being made. You can also ask for training on it.

Do not be afraid to challenge the findings of such schemes if you disagree with the results.

As a safety rep you have the right to ask the management to justify the claims they are making regarding the cost of making improvements. Ask for the actual figures/quotes, do not accept their guesstimates.

It is very important that health and safety representatives are aware of the limitations of risk assessments and use their rights to challenge any shortcomings.

Despite all the paperwork and charts that are often generated, risk assessment is an imprecise affair. Rough estimates of risk might be presented as fact. What is presented as an 'acceptable' level of risk might be far from acceptable to those asked to take these risks.

For example, suppose a 'nuisance' dust is assessed as causing no long-term health effects or debilitating short-term health problems. It is likely that there would be little priority placed on sorting it out.

But any dust in the workplace is an irritant – physical and mental – and affects the body's ability to deal with infections, leaving a worker more vulnerable to coughs and colds. This shouldn't be 'part of the job' – the risk assessment should recognise this and include steps to remedy it.

## UNITE STEPS TO RISK ASSESSMENT

Unite step-by-step approach should ensure that risk assessments in your workplace are worth the paper they are written on. Management should:

- a) Set up a programme of risk assessments.
- b) Consult safety representatives about the appointment of 'competent persons'.
- c) Appoint 'competent people'.
- d) Decide on methods and approach.
- e) Identify any other specific health and safety legislation, which applies.

- f) Collect information.
- g) Consult safety representatives and employees about work and perceived hazards.
- h) Observe what happens in practice.
- i) Identify hazards.
- j) Identify the harm that could arise from the hazards.
- k) Identify those at risk.
- l) Identify how they might be harmed.

- m) Evaluate the likelihood of the harm occurring.
- n) Evaluate the likely severity of the harm.
- o) Evaluate the likely numbers who could be harmed.
- p) Identify the control measures already in place, including information, instruction and training.
- q) Evaluate the effectiveness of the control measures.
- r) Decide what more needs to be done to eliminate or control risks, in accordance with the accepted priorities of risk prevention and control measures.
- s) Record the assessments.
- t) Provide safety representatives with copies of the assessments and supporting information.
- u) Draw up an action plan and prioritise risks to be tackled.
- v) Draw up a timetable for completion of action.
- w) Allocate financial and staff resources for carrying out the action plan.
- x) Implement measures.
- y) Monitor the effectiveness of control measures and review the risk assessments at agreed regular intervals and whenever changes require it.

## FROM RISK ASSESSMENT TO RISK PREVENTION

Don't let a risk assessment be a carefully filled-out, filed and forgotten piece of paper. The purpose of risk assessments is to enable the employer to identify the preventive and protective measures needed – and then to take them. So risk assessments should be seen as just the first step in deciding a programme of action, identifying the problems and setting out a clear timetable for remedying them.

The purpose of the risk assessment is to make sure that something gets done to prevent or control the risk. This means removing the hazard from the workplace altogether or substituting a safer alternative, whether this is a piece of equipment, a substance or a way of working. We all often forget this. Remember to involve both male and female workers by asking what problems they have with the work. These may be

different when talking to male or female colleagues.

The first aim must always be to remove the hazard. If this is not possible then employers must set up control measures according to established principles of good occupational health practice and the general principles of prevention laid down in the Management Regulations. If an employer claims that a risk assessment has been done and the assessment says there is no problem, insist on seeing a copy of the written record of the assessment.

Safety representatives are entitled to their own opinions about the seriousness of the risk and the suitability or effectiveness of control measures. Likewise, representatives should question assessments that say nothing can be done to prevent or control a hazard.

# PREVENTION PRIORITIES

The Management of Health and Safety at Work Regulations (Management Regulations) lay down general principles of prevention which must be followed when deciding what to do about a possible hazard:

- a) Avoid the risk.
- b) Evaluate the risks, which cannot be avoided.
- c) Combat the risks at source.
- d) Adapt the work to the individual – especially the design of workplaces, and the choice of work equipment and working and production methods – with a view, in particular, to alleviating monotonous work and work at a predetermined work rate and to reducing their effect on health.
- e) Adapt to technical progress.
- f) Replace the dangerous by the non-dangerous or the less dangerous.
- g) Develop a coherent, overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment.
- h) Give collective protective measures priority over individual protective measures.
- i) Give appropriate instructions to employees.

Therefore, under the regulations, you cannot simply try to avoid a hazard by providing protective clothing. The employer has a duty, in law, to look first at removing the risk, or reducing it. While protective clothing may be necessary, it is a back-up to other measures and very much a last line of defence.

Some employers may try to adjust the assessments to show that there isn't a problem and they don't need to do anything. You will need to challenge these assumptions in writing, using safety representatives' rights. Ask for details of the criteria used if you think that the results of the assessments are obviously flawed. Challenge in writing any that you don't agree with. Don't wait for the health and safety inspectors to call. There are too few of them, and they don't have enough resources.

HSE inspectors are there to help us, but should only be used after discussion with the employers has failed.

# WHAT THE LAW SAYS AND HOW TO CARRY OUT ASSESSMENTS

The Health and Safety at Work Act (HASAWA) places a general legal duty on all employers to ensure the health, safety and welfare at work of all their employees.

More recent regulations flesh out the details, spelling out specific legal duties for employers to undertake – including risk assessments for every job and process in the workplace – and to act on.

The most wide-ranging requirements are included in the Management of Health and Safety at Work Regulations (Management Regulations). Regulation 3 places a legal duty on employers to carry out risk assessments as a first step in ensuring a safe and healthy workplace.

The Health & Safety Executive, in its guide to risk assessment requirements, says:

‘The risk assessment provisions of the Management Regulations are rather special.

They require employers and self-employed people to assess the risks created by their undertakings so as to identify the measures they need to have in place to comply with their duties under health and safety law. As such, the assessment provisions of the Management Regulations are superimposed over all the other workplace health and safety legislation, including the general duties in the Health and Safety at Work Act.

‘This makes the Management Regulations risk assessment provisions very wide-ranging and all-embracing. They are comprehensive in coverage of places, activities and other sources of hazard. They require you to assess all the risks in your workplace. That is, what could cause harm to yourself, your employees (if any) and members of the public, and the likelihood that harm will occur in practice. You then need to decide on the precautions you must take to prevent this happening.’

## MANAGEMENT REGULATIONS: WHAT YOUR EMPLOYER MUST DO

The employer’s main risk assessment duties under these regulations are to:

- a) Make a suitable and sufficient assessment of the risks to the health and safety of their employees and the risks to others who may be affected.
- b) Identify the preventive and protective measures needed.
- c) Introduce the preventive and protective measures needed to improve workplace health and safety.
- d) Review the assessment if there is reason to believe that it is no longer valid – for example, if the process has changed, the building has been refurbished or an experienced worker has left.

- e) Keep a written record, where there are five or more employees, of the findings of the assessment and any groups of employees particularly at risk.

Have arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures. Provide any health surveillance identified in the risk assessment.

- a) Appoint competent people to assist the employer.
- b) Establish procedures to be followed in the event of serious and imminent danger.
- c) Provide health and safety information, instruction and training for all employees.
- d) Consult with safety representatives.

Risk assessment in fact predates the Management Regulations – it was a requirement of previous health and safety regulations, including those dealing with asbestos work, noise, ionising radiation and the control of substances hazardous to health.

### • Suitable and sufficient?

The Management Regulations require employers' risk assessments to be 'suitable and sufficient'. Advice on what this means is set out in the Approved Code of Practice to the Regulations drawn up by the Health and Safety Commission, and employers should refer to this to help them.

A suitable and sufficient risk assessment should enable the employer to identify and prioritise the measures that need to be taken, including the health and safety information and training that must be given to employees; any health surveillance that is required; any monitoring that needs to be carried out; and the procedures to follow in the event of serious or imminent danger. It must be carried out by a 'competent person'.

To be 'suitable and sufficient' the assessment must identify all the hazards and decide whether they have the potential to cause harm in the workplace. Employers are expected to familiarise themselves with the hazards and risks in their workplace – for example, by reading HSE guidance, the trade press, manufacturers' and suppliers' manuals and so on, as well as consulting employees, trade union safety representatives and outside experts where necessary. The method used should be appropriate to the complexity of the work activities and the risks involved.

Risk assessments must now pay attention to risks to women who are pregnant, have recently given birth or are breast feeding. For example, manual handling may cause particular problems for pregnant workers.

In addition, employers are required to make special consideration of the risks faced by young workers.

In particular to:

- a) Take particular account of young workers' lack of experience, absence of awareness of existing or potential risks, or their immaturity when they assess the risks to their health and safety. The assessment must now be made before the young person begins work and must address specific factors.
- b) Take account of the risk assessment in determining whether the young person is prohibited from doing certain work.

Risk assessment is not just about identifying the hazards from the actual work activity. Risk assessments should cover issues such as staffing levels that can seriously affect how work is done in practice.

Sometimes management will avoid assessing every individual job and workplace, and instead do a 'generic' risk assessment based on a sample which they then apply to all similar situations. This is often used on groups like home care workers, where the employer does not want to inspect every single client's house. The Health & Safety Executive has said that these generic risk assessments are acceptable if all the workplaces and jobs they are applied to are very similar.

However, the Unite has always advised safety representatives to be cautious about this approach as no two workplaces, or workers, are really the same, so less obvious or one-off hazards can be missed.

# A SUITABLE AND SUFFICIENT RISK ASSESSMENT MUST

- a) Identify all the hazards – that is, those aspects of work that have the potential to cause harm:
  - substances
  - equipment
  - work processes
  - work organisation
- b) Identify any specific regulations that must be complied with
- c) Assess all the risks – that is, the likelihood that the harm will occur from the hazards identified.
- d) Be systematic in approach.
- e) Ensure that all aspects of the work activity are considered.
- f) Address what actually happens in the workplace, not what the staff handbook or works manual says should happen.
- g) Include non-routine operations such as:
  - maintenance operations loading and unloading changes in production cycles
  - address what happens during interruptions to the work activity
  - ensure that everyone who might be affected
  - ~~office staff night cleaners maintenance staff security guards visitors~~
- h) Identify groups of workers particularly at risk, such as:
  - young workers
  - inexperienced workers
  - lone workers
  - workers with disabilities
  - pregnant workers
- i) Take account of existing preventive or precautionary measures and whether they are working properly.

## GET IT IN WRITING

The significant findings of a risk assessment must be recorded if there are five or more employees (although even where there are fewer than five a written record is useful evidence that the assessment has been carried out). The findings must be made available for inspectors and trade union safety representatives to inspect and satisfy themselves that the risk assessment carried out is both suitable and sufficient.

The 'significant findings' include:

- The significant hazards identified.
- The existing control measures in place and the extent to which they control the risks.

- Details of any aspects that need improving and of the people who could be affected, including any groups of workers particularly at risk.

The written risk assessment is a very important document. If it is done properly, it establishes that the employer recognises that the risk is present and should also explain the procedures the employer intends to use to control the risk.

Safety representatives can use the written assessments to check that all the risks are being covered. They can use the section on control measures as a basis for their planned routine inspections.

# COMPETENT PERSONS

Under the Management Regulations, employers must appoint 'competent persons' to assist them. These may be employees or outside consultants. However, if the employer already employs someone who is competent they have to use that person rather than contract the work out to an outside body or consultant.

There must be sufficient competent people to carry out the work and they must be given adequate time and adequate resources to carry out their functions, as well as having adequate decision-making authority. The Health and Safety Commission says management should take into account several factors when identifying competent people:

Competent people should have a knowledge and understanding of:

- a) The work being assessed.
- b) The principles of risk assessment and prevention of risk.
- c) Up-to-date health and safety measures.
- d) Identification of hazards at work.

Competent people should be able to:

- a) Identify health and safety issues.
- b) Assess the need for action.
- c) Design, develop and implement strategies and plans.
- d) Check the effectiveness of these strategies and plans.

- e) Know their limitations and when to call for others with specific skills and expertise.

However, it is important to remember that risk assessments are the responsibility of the employer, whoever performs the role of competent person. The Unite safety representative may well know more about health and safety than anyone else in the building, but this does not mean that management can relinquish this responsibility. If they haven't got the skills in house, management must ensure that they get properly trained and experienced staff.

Employing consultants may seem to be the sensible option, but outside consultants rarely have the knowledge of the work to do a thorough risk assessment, and are unable to follow through the findings of the assessment. Unite records show that some managements are trying to get the best of both worlds – delegating risk assessment responsibilities to lower grade workers, then failing to act to remove risks themselves.

Several Unite representatives report that their employers are either untrained, unwilling or unable to carry out risk assessments. Getting the employer to provide proper information and training on risk assessment is often an important first stage in getting proper assessments done. An assessment can be neither 'suitable' nor 'sufficient' if the people doing it do not know what they are doing.

# YOUR RIGHT TO EXAMINE ASSESSMENTS

The Approved Code of Practice to the Management Regulations makes it clear that safety representatives should have an important role in examining employers' risk assessments and deciding whether they are suitable and sufficient.

Safety representatives will obviously need help from the Unite to do this and this

guide is intended to provide much of the background information required. Unite representatives should first of all refer to what the Approved Code of Practice says is suitable and sufficient. It is important that you are satisfied that the risk assessment covers all the hazards, all the relevant factors and all the people who may be affected.

## OTHER LAWS THAT REQUIRE RISK ASSESSMENT

It's not just the Management Regulations that require risk assessments. The main health and safety laws with their own risk assessment requirements are:

- Control of Substances Hazardous to Health Regulations
- Control of Asbestos at Work Regulations
- Control of Lead at Work Regulations
- Noise at Work Regulations
- Manual Handling Operations Regulations
- Health and Safety (Display Screen Equipment) Regulations
- Personal Protective Equipment at Work Regulations
- Fire Safety Order

These regulations will be relevant in safety discussions in most if not all workplaces where Unite has members and the Unite has produced guidance for safety representatives on most of these (see Unite Health and Safety [Essentials](#) for further information). Other regulations, including the Pressurised

Systems Regulations and the Ionising Radiation Regulations, also have specific risk assessment requirements, though they affect smaller groups of workers.

The HSE, in its guide to risk assessment requirements, says: 'This guide should help to check that your assessment of the risks addresses all that might cause harm in your workplace. It will help you avoid going over again things that you have already done in examining that the precautions you have in place are reasonable and meet all that the law requires of you. It looks at the common features of these provisions, compares them, including their wording, and examines the significance of the differences between them'.

However, Unite believes that it is important to look at the regulations dealing with specific hazards in detail when carrying out assessments. For example, the Manual Handling Operations Regulations list the factors you must consider if you or your workers have to lift loads that could cause injury.

# HAZARDOUS SUBSTANCES

The law also requires employers to do a specific risk assessment when any dangerous substance is being used. The Control of Substances Hazardous to Health Regulations (COSHH) took effect in 1989. Like the Management Regulations, which were introduced four years later, they place duties on employers to assess the risks to health of exposure to hazardous substances in the workplace and bring in preventive measures.

Many employers have spent a huge amount of time and effort amassing detailed data sheets on all the chemicals used in their workplace. Once they have collected this information and filed it they think this is all they have to do.

But COSHH is not about assembling bulging files of chemical information. It's about operating a methodical system which can identify existing and new workplace health and safety risks – and then tackle them.

There is no need to get sucked into intricate discussions about parts per million (the measurement of how much of a chemical is getting into the air) or the hazards of various chemicals. Unite representatives know that if a member is suffering headaches or has had a skin rash from exposure to a cleaning or cutting fluid then something is wrong, regardless of the results of 'scientific' measurements. A simple survey of members, asking them about symptoms, can back up your arguments that exposure to a substance is hazardous.

Solutions need to be effective, with the real risks promptly tackled at source. Safety representatives need to keep up the pressure on employers to prioritise properly and take action on the real problems. Employers' first duties under COSHH are to avoid the risk by questioning whether a chemical has to be used at all, and then whether a safer chemical could be used instead.

~~In its guide, Seven Steps to Successful Substitution of Hazardous Substances the~~ Health & Safety Executive says: 'If you are an employee you have a legal duty to run your business in a way that creates the least possible risk to yourself, your workers and the public. For example, under the Control of Substances Hazardous to Health Regulations (COSHH), you must:

- a) Assess how people's health is at risk from substances you use at work.
- b) Take action to prevent or control these risks.

COSHH aims to prevent people being exposed to hazardous substances, rather than trying to limit or control their exposure. Substituting one process, substance or system of work for another can be an important way of making sure that people are not exposed to hazardous substances.

# HSE'S ~~SEVEN~~ STEPS TO SUBSTITUTION

- a) Decide whether the substance or process is a hazard. Is there a significant risk involved in storing, using or disposing of a substance?
- b) Identify the alternatives.
- c) Think about what could happen with the alternatives.
- d) Compare the alternatives with each other and with the substance or process you are using at the moment.
- e) Decide whether to substitute.
- f) Introduce the substitute.
- g) Assess how it is working.

Remember that substitutes for hazardous chemicals can themselves have dangers, so make sure that management gets all the information on the substitute before it is introduced, and that staff are monitored for any effects.

## INCLUDING GENDER ISSUES IN RISK ASSESSMENT

Women currently make up 46% of the UK workforce – over 13 millions workers.

Concentrated in particular sectors; health, education, hotels, restaurants and retail.

Health and safety law in the UK covers all workers, but mainly it does not distinguish between the type of work or take into account the different risks faced by men and women.

Design of work, its organisation and equipment is often based on the model of the 'average' man. This can lead to discrimination against women in a number of ways.

Ergonomics – the study of size and shape of the human body when looking at operating positions, working height and reach distance. If women are expected to use tools and equipment that have been designed for men, the tools may not be suitable.

Chemical – Biological differences between men and women are not covered within

safety data sheets and effects on the male and female reproductive system can be overlooked. The most common problems due to exposure and handling of hazardous materials are dermatitis and eczema from exposure to oils, dusts, petrol, fibres, cleaning agents and sterilizing agents. The occupations most at risk are hairdressing, repetitive assembly and nursing. Predominantly women work in these areas.

PPE – One size does not fit all, differences in dimensions will change the suitability and effectiveness for individuals. A gender sensitive approach to health and safety will improve prevention for both women and men and ensure everyone is equally protected.

The table overleaf shows some examples of hazards and risks found in female dominated work places.

## EXAMPLES OF HAZARDS AND RISKS FOUND IN FEMALE-DOMINATED WORK

Work area	Risk factors and health problems include:	
	Biological	Physical
Healthcare	Infectious diseases e.g. blood borne, respiratory etc	Manual handling and strenuous postures, ionising radiation
Cleaning	Infectious diseases; dermatitis	Manual handling and strenuous postures, slips and falls, wet hands
Food production	Infectious diseases; e.g. animal borne and from mould, spores, organic dusts	Repetitive movements, e.g. in packing jobs or slaughterhouse knife wounds; cold temperatures; noise
Catering and restaurant work	Dermatitis	Manual handling; repetitive chopping; cuts from knives and burns slips and falls; heat; cleaning agents
Textiles and clothing	Organic dust	Noise; repetitive movements and awkward postures; needle injuries
Laundries	Infected linen, e.g. in hospitals	Manual handling and strenuous postures; heat
Hairdressing	Infectious diseases, e.g. respiratory, measles	Strenuous postures; repetitive movements; prolonged standing; wet hands; cuts
Clerical Work		Repetitive movements; awkward postures; back pain from sitting
Agriculture	Infectious diseases; e.g. animal borne and from mould, spores, organic dusts	Manual handling; strenuous postures; unsuitable work equipment and protective clothing; hot, cold, wet conditions

Chemical	Psychosocial
Cleaning sterilising and disinfecting agents, drugs, anaesthetic gases	Emotionally demanding work, shift and night work; violence from clients and public
Cleaning agents	Unsocial hours, violence e.g. if working in isolation or late
Pesticide residues; sterilising agents, sensitising spices and additives	Stress associated with repetitive assembly line work
Passive smoking; cleaning agents	Stress from hectic work, dealing with the public, violence and harassment
Dyes and other chemicals, including formaldehyde in permanent presses and stain removal solvents; dust	Stress associated with repetitive assembly line work
Dry cleaning solvents	Stress associated with repetitive and fast pace work
Chemical sprays; dyes, etc	Stress associated with dealing with clients; fast paced work
Poor indoor air quality; photocopier fumes	Stress, e.g. associated with lack of control over work, frequent interruption, monotonous work
Pesticides	

When examining risk assessments safety representatives need to ensure that the management have involved all workers who work on the particular job, both men and women as well as young workers and if applicable any workers with disabilities. Don't forget to include part-time and temporary workers in your discussions.

Make sure that the competent person carrying out the risk assessment has sufficient information and training about gender issues in occupational health and safety.

Where protective equipment is necessary, consider the diverse population and adapt work measures to workers. This can be done by selecting protective equipment according to individual needs, suitable for women and 'non-average men'.

Encourage all workers to report issues that they think may affect their safety and health at work, as well as problems that may be related to work. Consider wider health, safety and welfare issues. Risk assessment is not just about potential accidents.

Health surveillance can be a useful tool in determining the medium and long term effects of a particular job/shift pattern. For example a new chemical may cause dermatitis but this will not be immediately apparent. Equally stress is a condition which a worker may cope with in the short term but could have devastating health consequences over the long term.

The TUC Gender and Occupational Safety and Health Group have put together a checklist to gauge how gender sensitive your workplace is. Question 5 looks at risk assessment.

### • Risk assessment and prevention

- Are risk assessments carried out and implemented by the employer?
- If so, do risk assessments take account of sex and gender differences?
- Are women as well as men consulted about risk assessments?
- Are reproductive health risks to both men and women adequately assessed?
- Are risk assessments relating to expectant, new and nursing mothers (and the unborn or breastfeeding child) carried out properly and in good time?
- Do employers provide a private space for breastfeeding mothers to express milk, and also provide a safe and hygienic place for the milk to be stored?
- Are any special reproductive health concerns of women and men such as workrelated issues relating to fertility, prostate cancer, menstruation, menopause, breast cancer or hysterectomy adequately addressed?
- Are risks of violence – including concerns about working alone on site or late into the evening, and access to safe parking – or work-related stress to women and men adequately addressed through risk assessment?
- Are sex and gender differences taken into account in COSHH and manual handling risk assessments and in assessments of postural problems including prolonged standing or sitting

For the full checklist go to [http://www.tuc.org.uk/h\\_and\\_s/tuc-14179-f0.cfm](http://www.tuc.org.uk/h_and_s/tuc-14179-f0.cfm)

# NEW HAZARDS

As the type of work we do has changed over recent years, so have the kind of hazards we face. While the injuries and illnesses identified with manufacturing are important, the biggest causes of ill-health through work today are stress and musculoskeletal illnesses such as back pain and repetitive strain injury (RSI).

There are a wide range of hazards that we are only now beginning to recognise.

These include:

- a) Infections – including hantavirus infection, chronic fatigue syndrome, AIDS, multi-drug resistant tuberculosis, hepatitis C.
- b) Stress – including burnout and post-traumatic stress disorder.
- c) Strains – musculoskeletal problems, including over use injuries and ‘microtrauma’ injuries.
- d) Physical – electric and magnetic fields and possibly related cancers, reproductive problems and skin rashes.
- e) Chemical – conditions including multiple chemical sensitivity and male infertility.

- f) Hypersensitivity – sick building syndrome, new asthma disorders and other breathing problems.

The lesson is clear enough. Trust the evidence of your senses – sight, smell, hearing, touch – your surveys and your members because they are a far more sensitive gauge of work hazards – particularly ‘new’ hazards – than the occupational health and safety industry.

Risk assessments should cover all hazards in the workplace. They should not be restricted to obvious physical or chemical safety hazards such as electricity, fire, machinery or well-known dangerous chemicals. The less obvious or ‘hidden’ hazards also need to be addressed, including those listed above.

Risk assessments must cover all work activities, processes and systems, as well as equipment and substances. That means including issues like working hours and workload.

If management denies there is a problem, one way to get your own evidence is for the union to carry out a quick survey of the membership. This can be done for any hazard – from stress to violence to chemicals.

# WHAT ARE THE HAZARDS IN YOUR WORKPLACE

## Physical hazards

- Fire
- Electricity
- Noise
- Vibration
- Slips, trips and falls
- Manual handling
- Non-ionising radiation
- Machinery
- Transport
- Awkward/fixed postures
- Display screen equipment

## Chemicals

- liquids, dusts, mists, fumes, gases
- Drugs
- Asbestos
- Diesel
- Lead

## Psychosocial hazards

- Stress
- Bullying
- Violence
- Work overload
- Lack of control
- Long hours
- Shift work
- No/poor consultation
- No/poor support
- No/poor participation
- Monotonous or paced work
- Boredom
- Isolation

## Biological hazards

- Hepatitis
- Lab cultures
- Legionnaire's disease
- HIV
- Tuberculosis
- Weil's disease
- Psittacosis
- Animal allergens
- Plant allergens

# DOES THE ASSESSMENT COVER ALL RELEVANT FACTORS?

Risk assessments must take into account all the relevant factors. For example, they must include ergonomic considerations such as the design of tools, equipment, workstations and workplaces, as well as the way jobs are carried out, to check that the job is suitable to the worker both physically and psychologically.

## **Making the job fit**

Management often tries to reduce the risk of an accident or injury by screening out workers from jobs rather than altering the job to fit the worker. This type of selection is not what the law intended and is usually of dubious validity. It can also discriminate against workers with a disability, or who are different from others. Whenever equipment is being introduced at your workplace, you should not only make sure that a risk assessment is done on it before it arrives, but that your employer asks questions about all the circumstances in which the equipment or system will be used. For instance, is it easy to use? Does it suit everyone regardless of size, shape or disabilities? Is it comfortable? Has it been designed with the user in mind? These questions can help to identify possible mismatches between the abilities and physical attributes of people and the demands of the equipment with which they work.

## **Is the workplace and work organisation included?**

Employers should consider the whole working environment – whether it is adequately lit, ventilated and heated, as well as whether there is enough space to do the job in safety and comfort. They should look at organisational factors such as staffing levels, hours of work, and the way work is planned, and include examination of training provisions and supervision. The overall culture of the organisation should be assessed.

Inadequate resources, long hours, monotonous work, badly planned work, discrimination, bullying and poor management can all lead to fatigue, stress and an increase in accidents, incidents and ill-health.

## **Does the assessment cover everyone at risk?**

Risk assessments must cover everyone likely to be affected. This means not only the core workforce but also contractors, security staff, agency staff, night cleaners, visitors, clients or patients. Risk assessments must also identify groups who may be particularly at risk, such as young workers, pregnant or breast feeding workers, inexperienced workers and trainees, maintenance workers, shift workers and those working outside normal hours. People with disabilities may be at special risk, so assessments should take account of their particular needs. Unfortunately many employers treat a person with a disability as the hazard instead of identifying what needs to be done to protect them. Safety representatives should be alert to this. Account should also be taken of the risks to lone workers and people working away from the employer's premises who may be at increased risk of violence or stress. Pregnant women may be at particular risk.

# YOUR EMPLOYER'S ACTION PLAN

The risk assessment should identify what action the employer needs to take, firstly to prevent or eliminate the risks, and secondly to control or minimise those risks which cannot be eliminated. It should:

- a) Enable the employer to prioritise the action that needs to be taken so that the most serious risks are tackled first.
- b) Set out a timetable for the implementation of remedial action.

Safety representatives should check their employer's action plan and ensure that the proposals arising from the risk assessments represent a clear strategy to improve health and safety in the workplace.

Representatives should also check that it is clear who has responsibility for implementing the action and that resources have been made available to achieve the improvements required. There should be a proper system for keeping the assessments under review, plus procedures

for reporting shortcomings that mean further preventive action is needed. If you think your employer's risk assessments or action plans are inadequate – or if your employer is failing to implement the preventive or protective measures that have been identified – you can challenge such shortcomings and take up health, safety and welfare issues in the normal way. Employers may try to delay or avoid action because of cost or resource arguments.

They may try to argue that certain workplaces are low-risk or that the hazards are not significant, so they don't need to look at them. These are not valid reasons for failing to act and you should challenge them and keep up the pressure on your employer in the normal way so that priorities for action can be agreed. The law says that your employer must provide a safe system of work as far as is reasonably practical. That means that all hazards that are identified must be removed or reduced wherever possible.

## RECORD KEEPING

Your employer must keep a record of accidents, injuries and near misses, however small. In addition, all serious accidents – or those which result in an absence of more than three days off work – must be reported to the enforcing authority. Your employer should keep records of all periods of sickness. Where a worker is at risk of exposure to a harmful

substance they must offer health surveillance. As a safety representative, you are entitled to see this information (although details that might identify the individuals concerned can be removed). The employer's records can be used to see whether there are any hazards or risks that have not been considered in the risk assessment.

## REVIEW

Once the risk assessment is complete it must be kept under review and a further risk assessment carried out if there are changes to working patterns or the equipment used. It must also be reviewed if there has been an accident, incident

or near miss. It is good practice to review all risk assessments on a regular basis, even if no changes have happened. This should usually be done every year.

# ASSESSING RISK ASSESSMENTS

Unite has drawn up the following checklist for safety representatives to help them assess and monitor their employer's risk assessments and action plan.

1. Is your employer carrying out risk assessments?
  - Have assessments been carried out?
  - If not, are arrangements in hand for them to be done?
2. Are resources available to carry out risk assessments properly?
  - Do risk assessors have the necessary time, resources, training and authority to do proper risk assessments?
3. Who carries out risk assessments?
  - Are they competent (do they have knowledge and understanding of the work involved, of the principles of risk assessment, prevention and control, and of current health and safety applications)?
  - What qualifications/experience do they have?
  - What information, instruction and training have they been provided with?
  - Are outside consultants being used?
  - Are specialists, such as ergonomists, brought in where necessary?
  - Have safety representatives been consulted over the appointment of the competent persons?
  - How will safety representatives and employees be involved?
4. Do assessments cover all the hazards and risks at work?
  - Do assessments cover all areas, activities, processes, substances, equipment and departments?
  - Do assessments cover systems of work, training, supervision and working environment?
- Do they cover work organisation and content?
- Do they cover hazards which you or Unite members have identified?
- Do assessments look at what actually happens in practice and include nonroutine operations such as maintenance?
5. Do assessments cover all those who could be affected?
  - Are those working outside normal hours, visitors and sub-contractors covered?
  - Have those particularly at risk (such as lone workers) been identified?
  - Are specific risk assessments done for pregnant workers?
  - Do individual assessments need to be carried out for some workers (for example, those working outside the main place of work)?
6. Are existing preventive measures being used properly?
  - Are the control measures followed? Do the control measures work?
  - Are they monitored? Is information, instruction and training provision adequate?
  - Have measures been identified to prevent or control the risks to health and safety?
  - Can hazards be eliminated (for example, by not using a hazardous substance if not essential)?
  - If not, can hazards be controlled at source (for example, by treating slippery steps rather than using a warning sign)?
  - If not, can hazards be isolated (for example by isolating a dusty area)?
  - If not, is suitable personal protective equipment provided as a last resort?

- Is health surveillance necessary?
- Have procedures for serious and imminent danger been drawn up?
- Have safety representatives been consulted about the employer's plan to control risks?
- Have safety representatives been given copies or access to the written risk assessments?
- Do they explain the hazards?
- Do they explain the control measures?
- Do they explain who is at risk?
- Do they contain sufficient detail to allow safety representatives to judge whether they are adequate?
- Are control measures being implemented?
- Has a plan of action been drawn up for implementing the control measures identified in the risk assessment?
- Does the plan identify priorities?
- Does the plan set out an agreed timetable for action?
- Does the plan identify who is responsible for taking the action?
- Has money been made available to implement the measures?
- Are risk assessments kept up-to-date?
- Do planned reviews of risk assessments take place at regular intervals?
- Are risk assessments redone before changes, such as new equipment or new ways of working, are introduced into the workplace?
- Are risk assessments reviewed if evidence suggests that control measures are not adequate, for example following accidents, near misses, reports of illhealth, or findings from safety representatives' inspections?
- Are risk assessments reviewed if there are other reasons to suspect they are invalid, for example in the light of new legislation or new medical evidence?

## UNION INVOLVEMENT

It is the employer's responsibility to carry out risk assessments. However trade union safety representatives can play an important part in ensuring that they are done properly.

Safety representatives have extensive rights under the Safety Representatives and Safety Committees Regulations (SRSC). These rights are set out in full under Regulations 4, 5, 6, and 7 of SRSC and include the following:

- a) The right to be consulted.
- b) To investigate health and safety matters.
- c) To inspect the workplace.
- d) To receive information, including any risk assessments.

e) To take paid time off to perform their functions and undergo training.

It is important that Unite safety representatives use these rights to check their employers' risk assessments and plans for risk prevention and control. All the evidence shows that the safest workplaces are those where there are well organised and active safety representatives using their rights fully. The Health & Safety Executive has always maintained that safety representatives should be involved in risk assessments.

# RISK ASSESSMENT CHECKLIST

- a) Has a 'suitable and sufficient' assessment been done?
- b) Were Unite representatives consulted?
- c) Do representatives have copies of all the assessments?
- d) Do assessments cover all the staff at risk from a substance or process?
- e) Could a safer substance or process be used?
- f) Are training and information specified in the assessment adequate?
- g) Is the risk assessment being complied with?
- h) Do you need to review and update your present risk assessment?

# HEALTH AND SAFETY INSPECTORS

## What they do and where to find them

If you've exhausted every stage of the official procedure and members are still being asked to work in hazardous situations, what do you do? One option is to talk to the official health and safety inspector. Health and safety inspectors who work for the Health & Safety Executive or local authority enforce health and safety laws and regulations and can prosecute employers for breaches of the law.

## An inspector can:

- a) Issue an improvement notice so that an employer is required to take action to put things right in a specified time.
- b) Issue a prohibition notice stopping specific activities because of the 'serious risk of personal injury'.
- c) Prosecute the employer in court. Penalties for breaking health and safety laws include fines and imprisonment of the employer.

Taking employers to court tends to be used as a last resort by the HSE. In general, the HSE inspectors seek to bring about improvements in the first instance by writing reports following their visits or inspections. HSE inspectors should contact and speak to safety representatives separately from management when they make their inspections. Safety representatives must be

given a copy of the inspector's report. This is a legal entitlement under Section 2 8(8) of the Health and Safety at Work Act.

The HSE Inspectorate is very under-resourced so workplace visits may be few and far between, unless there is a serious accident. So the HSE cannot be relied on to enforce the law for unions. You should normally only contact the HSE after management has failed to respond in a reasonable time to issues you have raised through recognised channels and procedures in your workplace, and in consultation with your Unite Regional Official. If you do call HSE inspectors in, you will have to convince them that your problem is a priority or a high risk. It can help if you can list a whole number of hazards, their severity, the number of workers affected and the regulations that the employer is breaking. The HSE will also want you to demonstrate that you have tried all avenues to sort the hazards out with your employer before reporting them. HSE inspectors have enforced risk assessment duties and prosecuted employers over risk assessment failures in the past. Let employers know that they can be prosecuted for neglecting this duty. Details of who your enforcing authority is, and how to contact them, should be displayed on a noticeboard in your workplace. If it is not, you can find out by going to the HSE website [www.hse.gov.uk](http://www.hse.gov.uk).

Unite the union  
Unite House  
128 Theobald's Road  
Holborn  
London WC1X 8TN  
Tel: 020 7611 2500  
[www.unitetheunion.org](http://www.unitetheunion.org)

ES/3641-2/RGH&SRisk/11-11

