



SAFETY ON THE MOVE

A brief article outlining the basic health and safety requirements relating to companies involved in the removals and storage industry. Prepared by Mike Everley, health and safety consultant.

Health and safety has undergone a major transformation in recent years. The move has been away from prescriptive legislation, telling companies exactly what must be done, towards goal-setting legislation, requiring companies to set objectives and targets to be achieved. This self-regulatory approach being based upon risk assessment.

In many ways this change of approach makes it more difficult for companies to achieve legal compliance. It is no longer good enough, in many cases, to show that the letter of the law has been obeyed. Nowadays, it is often necessary to demonstrate that a “suitable and sufficient” risk assessment has been carried out for each task and activity and that any necessary control measures have been introduced as a result of that assessment.

Obviously, there is insufficient time in an article of this length to cover all of the health and safety requirements relating to removals and storage. Therefore, eight key areas will be discussed.

Registration

Registration of premises is required under both the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963. It should be noted that it is premises that require registration rather than the company itself. Those involved in the removals and storage industry will probably have an office that requires registration and possibly a storage warehouse. Registration will be to the enforcement authority concerned. For offices this will be the environmental health department of the local authority. Factories are registered with the regional office of the Health and Safety Executive (HSE).

EIGHT POINT PLAN

- o **Registration**
- o **Competent Advice**
- o **Health and Safety Policy**
- o **General Risk Assessment**
- o **Specific Risk Assessment**
- o **Accident Recording, Reporting and Investigation**
- o **Emergency Procedures**
- o **Consultation with Employees**

Section 137 of the Factories Act requires one month's notice of the beginning to occupy or use premises as a factory or to introduce mechanical power. A Notice of Occupation Form is obtainable from HSE.

Section 48 of the Offices, Shops and Railway Premises Act requires notification of the intention to employ people in the premises. An OSR1 Form is available from the local authority.

It is important from a company perspective to ensure that registration has taken place. Otherwise, the company can be deemed to be breach of legislation on a purely administrative matter. Unfortunately, the system is far from foolproof, as no evidence is supplied by the enforcement authority to confirm that the notification form has been received. If in doubt, it is prudent to send another notification form in and to keep a copy along with proof of postage.

Competent Advice

Every employer is required, under Regulation 6 of the Management of Health and Safety at Work Regulations 1992 (MHSWR) to appoint one or more competent persons to assist in undertaking the measures needed to comply with the law. For a small firm, this might be the owner or even a consultant. The key requirement is that they are competent with regard to the risks involved in the work and with regard to the legislation that applies to that work. This might require suitable training.

Where five or more are employed, the arrangements related to competent advice need to be recorded in the health and safety policy. Even where competent assistance is provided, this does not absolve the employer from any responsibility under health and safety legislation. In addition, employers are solely responsible for ensuring those appointed are competent and provided with adequate information to carried out their work effectively.

Many smaller companies appoint a consultant to provide them with advice or enter into a shared scheme with other small companies in order to obtain a consultant's advice. The HSE feel that in the majority of cases companies are better served by dealing with routine health and safety matters in-house and retaining "ownership" over them. Calling in a consultant to offer advice with regard to highly specialised issues. It should always be remembered that, under health and safety legislation, an employer can delegate tasks but not legal duties.

Where a consultant is sought, the HSE offer the following advice:

- o Decide what you want them to do.
- o Decide how a successful outcome will be measured.
- o Prepare a written brief.

- o Decide on the experience needed by the consultant, membership of professional bodies, specialisms, qualifications, etc.
- o Decide if you will allow sub-contracting and, if so, how it will be controlled.

Health and Safety Policy

The health and safety policy is the cornerstone of your business from a health and safety perspective. It demonstrates how you as a successful company comply with health and safety legislation in the context of your business and its associated risks.

There is growing concern that some organisations attempt to “buy” legal compliance through purchasing a standard policy produced by a consultant. Unless the policy is written with the specific needs of your organisation in mind it will fail to achieve its intention of raising health and safety standards. It is also a matter of contention whether such a “standardised” policy would, in the eyes of the courts, satisfy the legal requirements.

Section 2(3) of the Health and Safety at Work Act 1974 (HSW Act) requires every employer to prepare a health and safety policy containing a general statement of intent, the organisation for ensuring the intent is realised and the arrangements for bringing the intent about. Where five or more are employed, this policy must be in writing.

The general statement is usually signed by the owner or managing director and outlines the commitment of the company towards the health and safety of employees and others who may be affected by the work taking place.

The organisation outlines the responsibilities of all who work in the company with regard to health and safety.

The arrangements are the procedures and systems in place to ensure health and safety standards and legal requirements are complied with. Often the arrangements are sub-divided into general arrangements and specific arrangements.

General arrangements apply to all employees and cover such matters as: first-aid arrangements, welfare facilities, fire procedures etc.

Specific arrangements apply to specific employees or groups of employees and cover such matters as: safe loading and unloading of vehicles, safe use of a particular piece of equipment etc.

With regard to the number of employees, the figure five is based upon the number employed by the “undertaking” rather than the number at any one “establishment”.

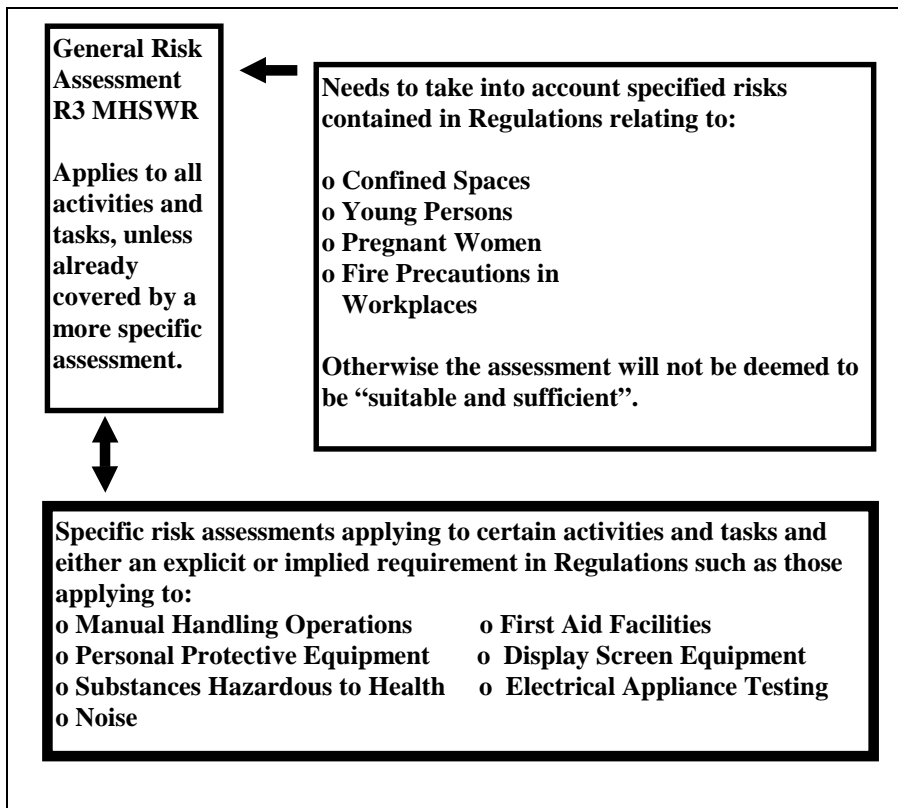
Therefore, a small company with three employees at one premise and four at another would be deemed to have seven employed in the undertaking and require a written health and safety policy.

The health and safety policy should be seen as the basic vehicle for information flow and consultation with regard to the safety management system of the company. The arrangement section should contain the risk assessment systems utilised by the company and the control measures introduced as a result of the risk assessments. Regulation 4 of the MHSWR requires that every employer shall make and give effect to such arrangements as are appropriate for the effective planning, organisation, control, monitoring and review of the preventive and protective measures. Where five or more are employed, these arrangements shall be recorded in writing in the health and safety policy.

The health and safety policy must also name the source of competent health and safety assistance and outline the consultancy arrangements through which employees are consulted on health and safety matters. The health and safety policy must be kept up-to-date and revised as necessary, with the policy and any revision being brought to the notice of employees.

Risk Assessment

Risk assessments are the cornerstone of modern health and safety legislation and form the backbone of the shift away from prescriptive legislation to self-regulation based upon goal-setting. However, the system of risk assessment introduced by various strands of legislation is a potential minefield for companies. All that we can attempt to achieve in this article is to outline the basic framework in order to present a clearer picture.



Basically, companies involved in the removals and storage industry need to risk assess general tasks and activities and, where more than five are employed, record the significant findings along with the groups of employees at

risk. In addition, they need to ask themselves if any of the activities will require specific assessments to be carried out because of specific Regulations. Obvious candidates here will be manual handling assessments and, possibly, display screen equipment assessments where office workers are defined as “users” due to habitual use of the equipment.

Assessments required under the Control of Substances Hazardous to Health Regulations 1994 (COSHH) may be required where chemicals labelled as toxic, harmful or irritant, or corrosive have to be moved. Although the petrol and diesel used in vehicles may have to be considered in this context.

Additionally, the First-Aid Regulations 1981 imply that an assessment of first-aid needs be carried out in order that the first-aid facilities that are provided meet those needs. The HSE have produced a free leaflet *First Aid at Work: Your Questions Answered* which provides valuable advice. It suggests, for example, that the assessment of first-aid needs requires to take into account the following:

- o Any specific risks.
- o Areas with different levels of risk.
- o Accident and ill-health records to identify levels and types of injury.
- o Number of employees.
- o Inexperienced or disabled employees.
- o Shiftworking or out-of-hours working.
- o Location in relation to medical services.
- o Lone workers or those who travel.
- o Working on other persons’ premises and shared facilities.
- o Work experience trainees.
- o Visits to site by members of the public.

Obviously the biggest problems, with regard to first-aid facilities in the removal and storage industry, relates to employees working away from the depot. As with risk assessment in general, no one answer is available to this problem. Rather each company needs to assess the problem and aim to reduce the level of risk to an acceptable level in a way that is suitable for that company. The guidance itself suggests that, in these circumstances, employers will need to consider issuing personal first-aid kits and training

staff in their use and also consider issuing personal communicators to employees. Where your employees are working on other employers' premises, then shared welfare and first-aid facilities should be entered into wherever possible.

The strict legal requirement is for a suitably stocked first-aid box and an appointed person to take charge. The appointed person needs training but not necessarily as a first-aid-er. If a local hospital is conveniently located, the appointed person would need to take charge and ensure that medical treatment is obtained.

However; where the assessment of first-aid needs suggests that the appointed person alone will not be adequate, then a suitable number of first-aid-er will need to be appointed and trained. Although the law strictly requires this number to be calculated following an assessment, the following guidance is offered:

Low Risk	<i>Shop, office, library etc</i>	
	Fewer than 50 employees	At least one appointed person
	50-100	At least one first-aid-er
	More than 100	One additional first-aid-er for every 100 employed
Medium Risk	<i>Light engineering, assembly work, food processing, warehousing etc</i>	
	Fewer than 20 employees	At least one appointed person
	20-100	At least one first-aid-er for every 50 employed (or part thereof)
	More than 100	One additional first-aid-er for every 100 employed
High Risk	<i>Construction, slaughter-houses, chemical manufacture, extensive work with dangerous machinery or sharp instruments</i>	
	Fewer than 5 employees	At least one appointed person
	5-50	At least one first-aid-er
	More than 50	One additional first-aid-er for every 50 employed

Similarly, no standard list of items is given for a first-aid box, the assessment needs to take into account any specific risks which may require special means of treatment. However, the guidance does suggest that a minimum stock of first-aid items should include:

- o A leaflet giving general guidance on first aid, such as the HSE leaflet *Basic advice on first-aid at work*.
- o 20 individually wrapped sterile adhesive dressings (assorted sizes).
- o Two sterile eye pads.
- o Four individually wrapped triangular bandages.
- o Six safety pins.
- o Six medium sized individually wrapped sterile unmedicated wound dressings.
- o Two large sterile individually wrapped unmedicated wound dressings.
- o One pair of disposable gloves.

Note: No tablets or medicine should be kept in the first-aid box.

The following boxes may be found useful with regard to the general risk assessment required to be undertaken by the MHSWR and by the assessments required under COSHH and the Manual Handling Operations Regulations 1992 (MHOR).

**Based upon the HSE Free Leaflet
*Five Steps to Risk Assessment.***

- o Identify Hazards (something with the potential to cause harm).
- o Decide who might be harmed and how.
- o Evaluate the risk (the likelihood that the harm will in fact come about). Take into account the frequency of the risk and the severity of the consequences. Decide whether existing precautions are adequate.
- o Record the findings (where five or more are employed). A standard form is included in the guidance.
- o Review the assessment from time-to-time and revise if necessary. (Strictly the law requires the assessment to be reviewed either where there is a significant change or the employer feels that the original assessment is no longer valid).

**Based upon the HSE Free Leaflet
*Five Steps to a COSHH Assessment.***

- o Gather information about the substances, work and working practices.
- o Evaluate the risks to health.
- o Decide what to do in terms of: prevention/control of exposure; use of control measures; maintenance of control measures; exposure monitoring; health surveillance; and information, instruction and training.
- o Record the assessment.
- o Carry out a regular review of the assessment.

Based upon the HSE guidance that accompanies the *Manual Handling Operations Regulations 1992.*

- o Where possible eliminate the manual handling activity.
- o Where the manual handling activity cannot be eliminated, and a risk of injury is present, assess the manual handling activity taking account of the following:
 - o The **LOAD**. Its weight, centre of gravity etc.
 - o The **INDIVIDUAL**. Any health problems, pregnancy etc.
 - o The **TASK**. Any stooping, stretching, twisting, repetitive movement etc.
 - o The **ENVIRONMENT**. Is it cramped, slippery, poorly lighted etc.
 - o Any **OTHER FACTORS**. Does personal protective equipment need to be worn etc.

Accident Reporting, Recording and Investigation

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), every employer needs to appoint a competent person to report to the enforcement authority the following:

- o A death, major injury and dangerous occurrence by the quickest practicable means, often the telephone, followed in writing, on Form 2508, within ten days. (A list of major injuries and dangerous occurrences is contained within the Regulations).
- o Any over-three day absence injury in writing, on Form 2508, within ten days.
- o Any reportable work-related disease in writing, on Form 2508A, once a medical certificate has been obtained. (A list of reportable

diseases is contained within the Regulations).

Note: The employer needs to keep a record of any reportable injury, disease or dangerous occurrence.

Occupiers of factories, mines and quarries and occupiers of any other premises which employ ten or more employees at the same time are required, under the Social Security Administration Act 1992 and the Social Security (Claims and Payments) Regulations 1979, to keep an accident book. However, as there is a legal requirement for employees to report any injury and for employers to investigate the cause of such injury, every employer must have some method of recording accidents that occur.

The accident book needs to be located where an employed earner can easily get to it at all reasonable times and, when full, needs to be kept for at least three years after the date of the last entry.

Emergency Procedures

Regulation 7 of the MHSWR requires, amongst other matters, that employers:

- o Establish and give effect to procedures to be followed in the event of serious and imminent danger.
- o Nominate a sufficient number of competent persons to implement these procedures in relation to the evacuation of premises.
- o Ensure that no employee has access to a restricted area unless they have received instruction.

Consultation with Employees

Along with the requirement to consult, on health and safety matters, with trade union appointed Safety Representatives, under the Safety Representative and Safety Committee Regulations 1977, where a trade union is recognised for negotiating purposes, employers have to consult with *all* employees under the Health and Safety (Consultation with Employees) Regulations 1996. This can either be achieved through direct consultation with each employee or through allowing groups of employees to elect employee representatives and then through consultation with these representatives. The mechanism chosen is left to the employer to decide.

Conclusion

Hopefully this article has assisted those involved in the removal and storage industry appreciate the key areas that need to be considered in order to achieve minimum compliance with present health and safety legislation. Much more could be said about each of the points raised and about other issues which space considerations have left excluded.

If the article has wetted the reader's appetite and made them inclined to find out more, then it will have served its purpose. After all, improving health and safety performance goes beyond merely satisfying minimum legal requirements. It is also about making businesses more efficient and profitable and about satisfying the humanitarian obligations that we all owe to each other.

The free leaflets mentioned in the article, and a wide range of other publications, are available from: HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS. (Tel 01787 881165. Fax 01787 313995).

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June 1998
2638 Words