

LALC Conference 2024

Can You Be 100% Health and Safety Compliant All the Time?

worknest





H&S Practitioner - 25 years

Sector Knowledge:

Logistics
Ports & Shipping
Engineering
Construction

10 years in Consultancy Services

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Today's topic!

- 1 The compliance question?
- 2 Scene Setting – HSE stats – should we think bigger than just complying with the law?
- 3 Health and Safety Compliance – definition of and barriers to!
- 4 Assessing risk – definition of and key methodology

We asked:

*Is it possible to be
100% compliant
100% of the time?*

79% of the 463 people we polled (predominantly health and safety professionals) said a quest for 100% compliance isn't realistic and that, while possible in theory (in an audit or policy for example), in practice, there will always be weak points.

79%
said no, 100%
compliance isn't
realistic

16%
said yes, it's possible
(though many argued in
the comments that it
may not be *desirable*)



“No one is ever 100 percent compliant any of the time. In fact, if you pull back the peel from the fruit, few companies are even 30 percent.”

“Compliance should be a prerequisite for all staff from the top down. That being said, we’re all human, and while health and safety is everyone’s responsibility, it has to be tempered with common sense.”

“Why would anyone strive for [100% compliance]? Compliant has nothing to do with safe. Sadly, most safety people are educated to rules and pay little attention to risk. If a company is 100% compliant, I’d say they are heading for a major accident.”

HSE Scene – Stats and developments

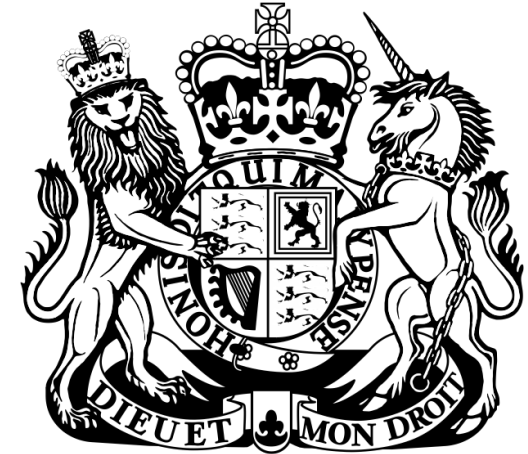
Discussion points:

- Impact of Law and how do we / UK compare?
- Current picture and performance - UK
- HSE strategy and plans in response!



Happy Birthday!

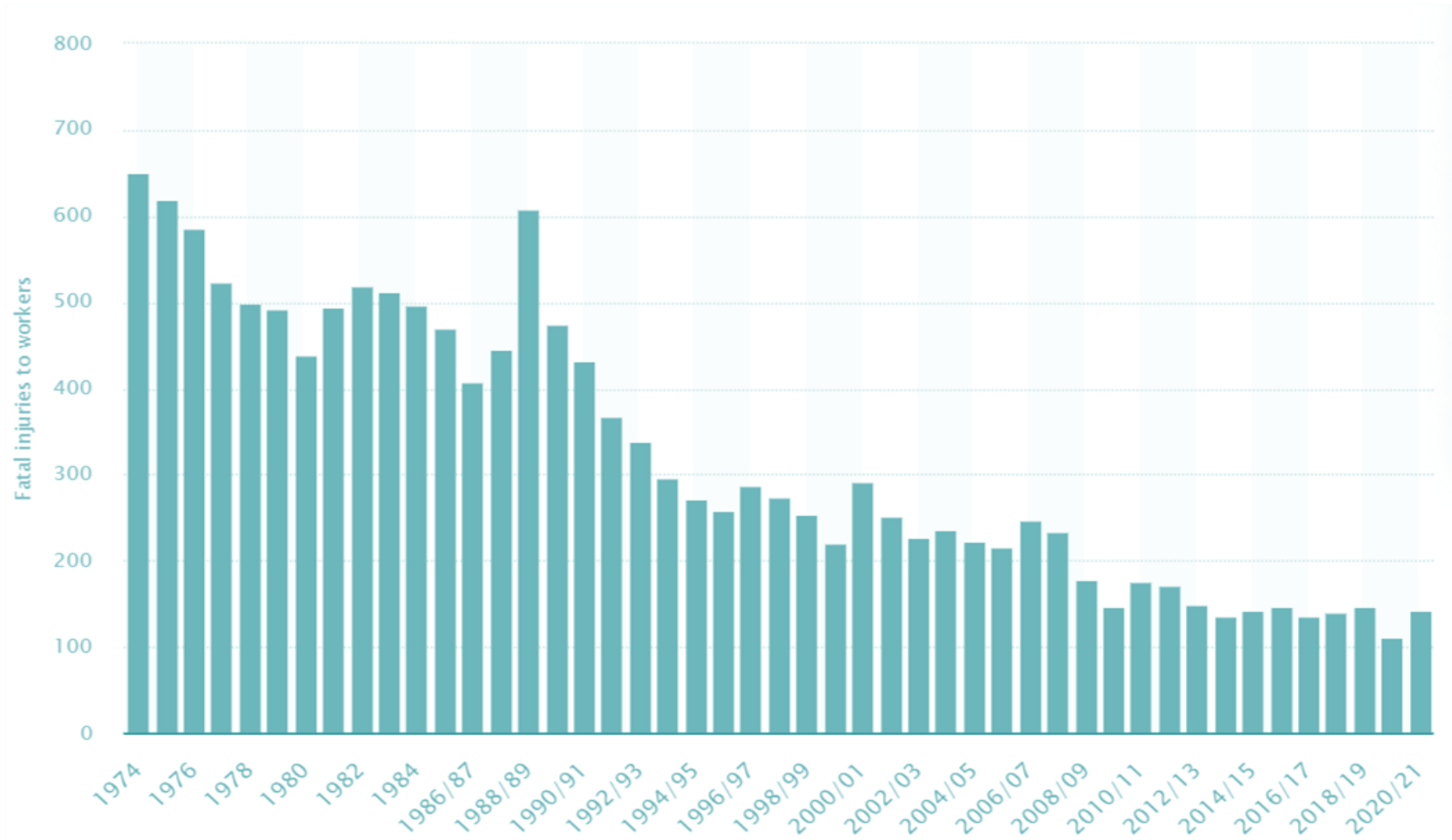
- 50th anniversary
- Umbrella legislation
- Goal setting
- So far as is reasonably practicable



**Health & Safety
Work Act 1974**

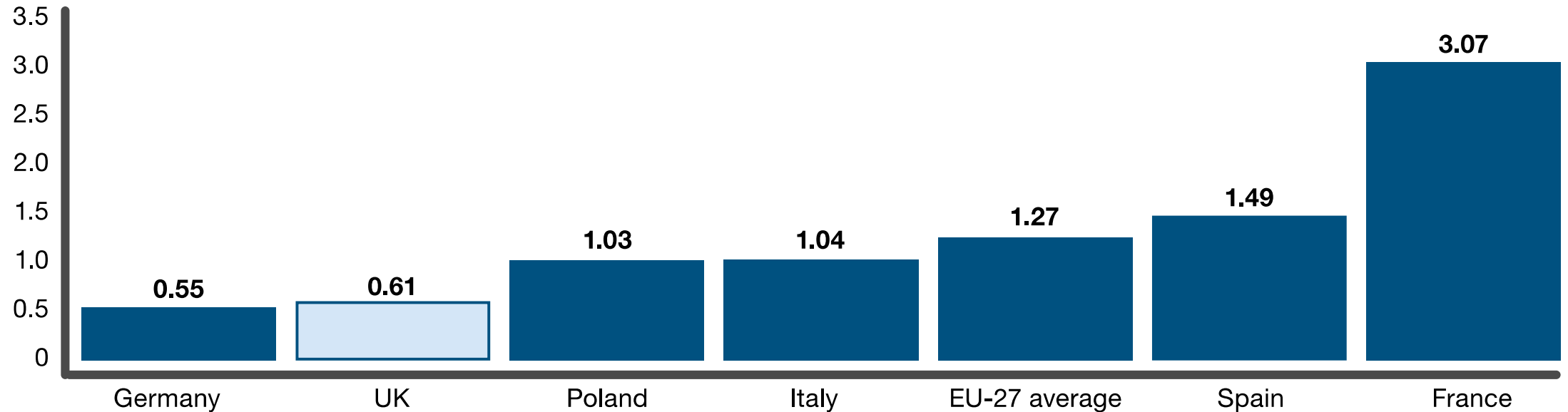
Those who create risk of injury
and ill-health in the workplace
must manage that risk.

Improving, but we have reached a plateau



Doing well?

Standardised incidence rate of work-related fatal injuries in large European economies, per 100,000 workers (Eurostat, 2018)



Percentage of workers with a self-reported workplace non-fatal injury resulting in time off work in the previous 12 months (EU and UK Labour Force Survey, 2020)

Percentage of workers suffering from a self-reported work-related health problem resulting in time off work (EU and UK Labour Force Survey, 2020)

Overall picture

 **1.8 million**

Workers suffering from work-related ill health (new or long-standing) in 2022/23

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months

 **0.6 million**

Workers sustaining a workplace non-fatal injury in 2022/23

Source: Estimates based on self-reports from the Labour Force Survey

 **35.2 million**

Working days lost due to work-related ill health and non-fatal workplace injury in 2022/23

Source: Estimates based on self-reports from the Labour Force Survey

 **0.9 million**

Workers suffering from work-related stress, depression or anxiety (new or long-standing) in 2022/23

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months

 **60,645**

Work-related non-fatal injuries to employees reported by employers in 2022/23

Source: RIDDOR

 **12,000**

Lung disease deaths each year estimated to be linked to past exposures at work

Source: Counts from death certificates and estimates from epidemiological information

 **0.5 million**

Workers suffering from work-related musculoskeletal disorders (new or long-standing) in 2022/23

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months

 **135**

Workers killed in work-related accidents in 2022/23

Source: RIDDOR

 **2,268**

Mesothelioma deaths in 2021, with a similar number of lung cancer deaths linked to past exposures to asbestos

Source: Counts from death certificates and estimates from epidemiological information

 **13.1 billion**

Annual costs of new cases of work-related ill health in 2021/22, excluding long latency illness such as cancer

Source: Estimates based on HSE Cost Model

 **7.7 billion**

Annual costs of workplace injury in 2021/22

Source: Estimates based on HSE Cost Model

 **20.7 billion**

Annual costs of workplace injury and new cases of work-related ill health in 2021/22, excluding long latency illness such as cancer

Source: Estimates based on HSE Cost Model

HSE Strategy 2022-2032

Protecting People and Places HSE strategy for 2022-2032



Reduce work-related ill health, with a specific focus on mental health and stress.



Increase and maintain trust to ensure people feel safe where they live, where they work and in their environment.



Enable industry to innovate safely to prevent major incidents, supporting the move towards net zero.



Maintain Great Britain's record as one of the safest countries to work in.



Ensure HSE is a great place to work, and we attract and retain exceptional people.

HSE Business Plan 2023 - 2024

PROTECTING PEOPLE
AND PLACES 

**HSE Business Plan
2023/24**

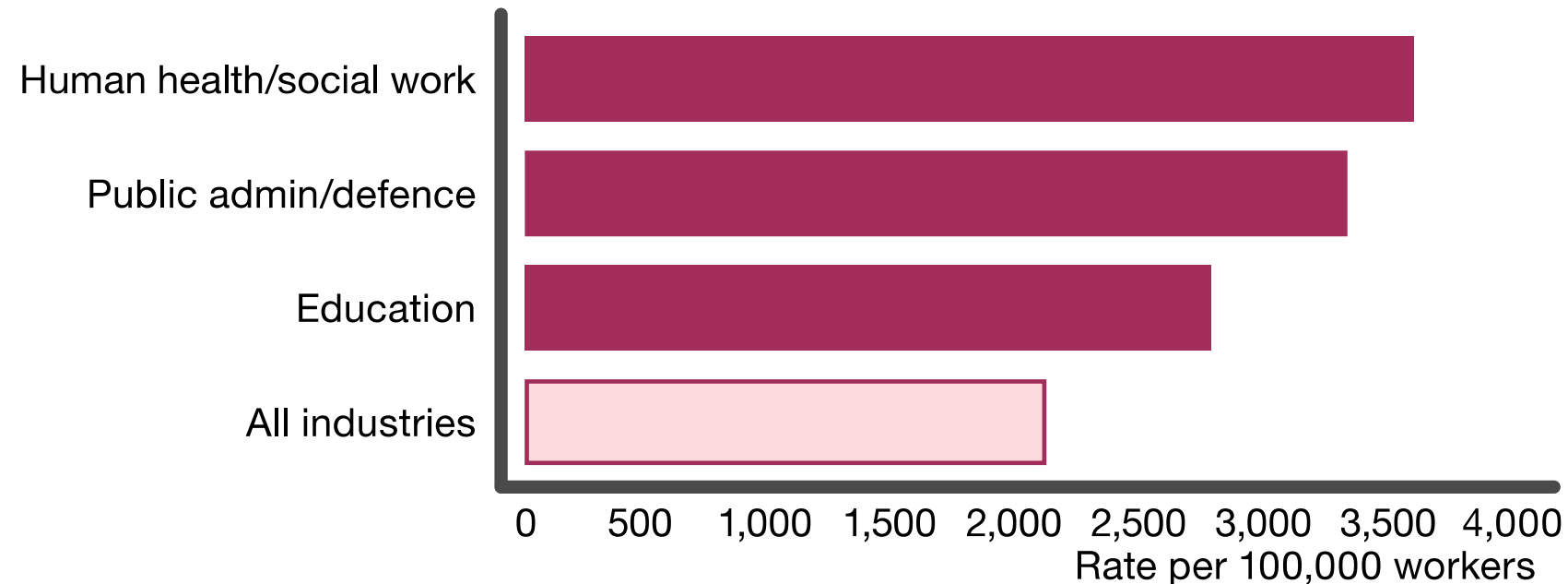


The plan supports

- Reducing work-related ill health
- Concentrating on the most serious risks
- Targeting industries with the greatest hazards
- Establishing and delivering the Building Safety Regulator functions
- <https://www.hse.gov.uk/aboutus/assets/docs/hse-business-plan.pdf>

Work-related stress, depression and anxiety

Industries with higher-than-average rates of work-related stress, depression or anxiety, average estimate over 2020/21–2022/23



These estimates are restricted to ill health in current or most recent job

875,000

Workers suffering from work-related stress, depression or anxiety (new or long-standing cases) in 2022/23

338,000

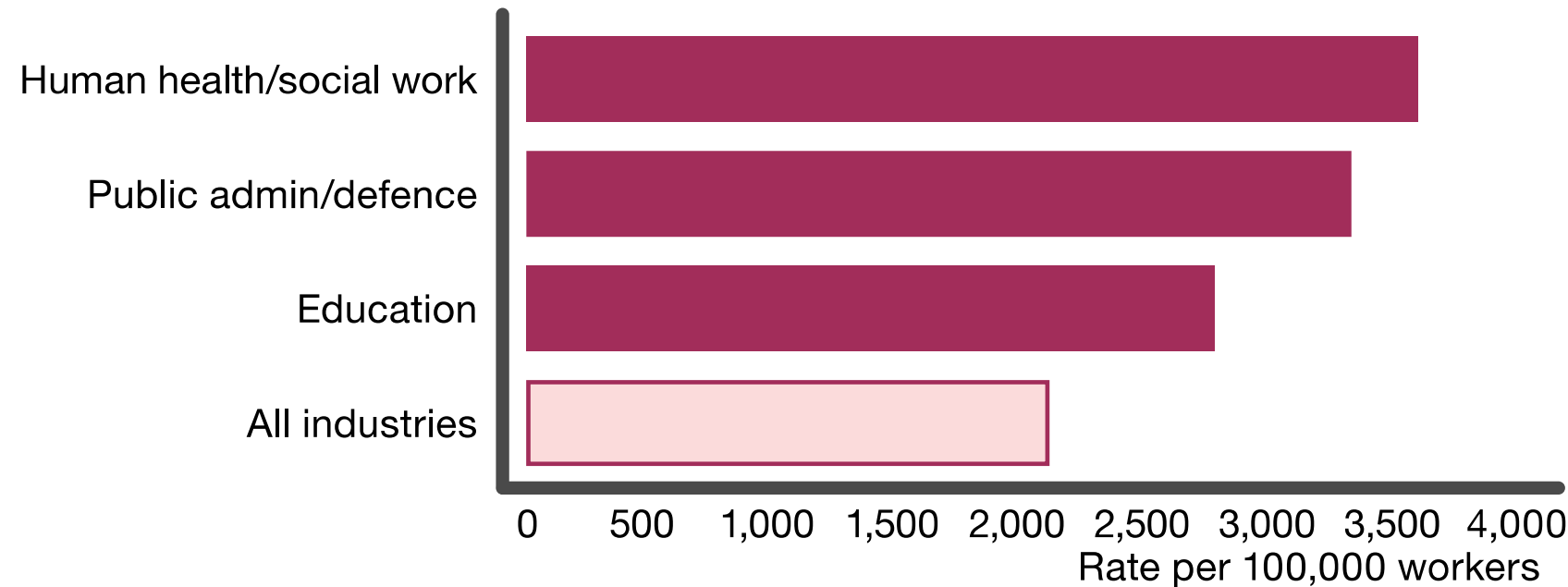
Workers suffering from a new case of work-related stress, depression or anxiety in 2022/23

17.1 million

Working days lost due to work-related stress, depression or anxiety in 2022/23

Work-related stress, depression and anxiety

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Ask Yourself, Can being wholly focused on being compliant help reduce risk?

Health and safety compliance

Discussion points:

- Is it possible, or even desirable, to be 100% compliant 100% of the time?
- Is it better to strive to be compliant or safe?
- How do organisations identify “reasonably practicable” safety measures? And what falls outside of this scope?



What is compliance?

Compliance can be defined as *“the action or fact of complying with a wish or command”*

Ask yourself: what are the prescriptive rules you need to adhere to in order to remain compliant?

As a practitioner, my experience is that many are fixated on this idea of compliance. In fact, the first question I’m often asked is, *“how do I become and remain compliant?”*

Perhaps *“how do I become and remain safe?”* is a more worthwhile question to ask

Having goals that **genuinely improve safety control** and not an ethos driven by **fear that we missed something!**



Is compliance the be all an end all?

Depends who you ask!

We know that being compliant means following a prescribed set of conditions that have been set before us, e.g. **RAMS and safe systems of work**

However, typically, the primary aim is to be in a place of meeting their legal duties – no more, no less. **Ask yourself, is this enough?**

False impressions of absolute compliance can lead to a perception that something needs to be addressed – **could this unnecessary effort mask unsafe practice.**

Terminology such as ‘violations’ and ‘breaches’ probably only adds to our obsession with ticking boxes and the idea that absolute compliance is a real and achievable goal

What barriers are there to compliance?



Perception

Not understanding the value of OSH – **if it's not a legal requirement, then does it form part of bare minimum compliance?**

Reasonable practicability

- Not enough time to control risk
- Inconvenience to operational efficiency
- Cost – operational cost of implementation of H&S

Protecting data rather than people

- We can place value on tick box checks?
- Proof of checks rather than strength of checks

How do we become compliant?

Strive for excellence and view compliance with the Law as baseline

- Change your focus from 'doing the minimum to comply' to 'fly above and protect'
- Remember, the law exists to serve society and not the other way around. If OSH is being managed within an organisation as it should, none of us should fear the law or the keepers of the law (HSE, 2004)

Remember behaviour

- Individuals tend to stick to the rules that align to their own ethical outlook on life, so rather than sticking as close as possible to the defensibility line, **go beyond** and into a risk-based approach
- Consider individual duty of care

Reasonable practicability

- Proportionate and pragmatic controls – focus on significant over trivial

Educate, influence, enhance, enable

Is there a rebel within?

Human brains are not hardwired for compliance

Adam and Eve or **evolution** – as humans, we progress because we are risk-takers

Complacency and laziness is part of our human DNA

Do we **incentivise shortcuts**, management systems and pressures – job and knock!

“100% compliance 100% of the time is practically impossible for human beings, but that’s not to say we shouldn’t strive for the best we can. Keep your eyes and ears open, don’t rush anything and always think before you act! We are perfectly imperfect!”



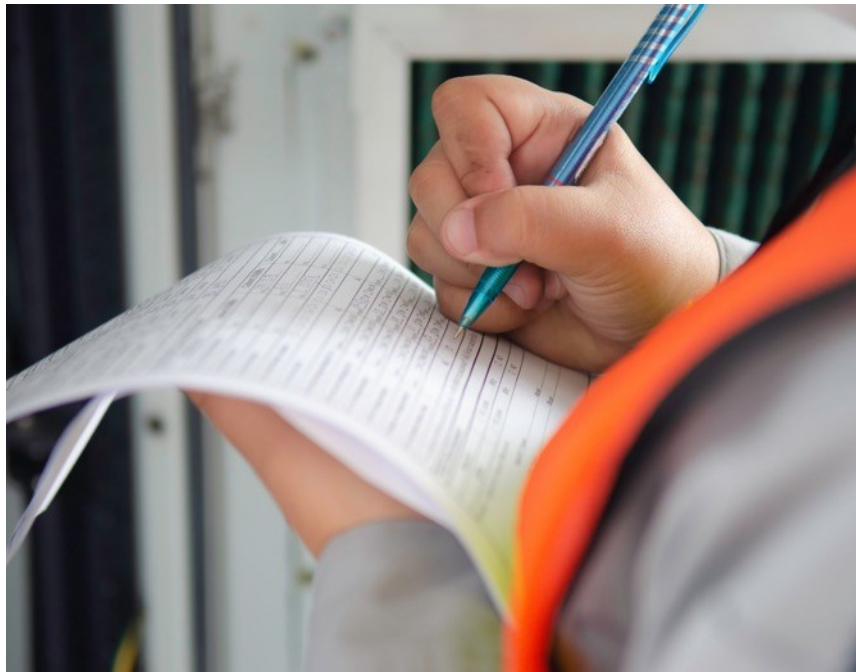
Assessing risk

Discussion points:

What are the most common mistakes employers make in respect to risk assessments, and how can you get these right?



Risk assessment – a reminder!



Definition: Risk assessment

A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking

Definition: Likelihood

The chance of an undesired event occurring

Definition: Consequence or severity

The most probable (not worst-case scenario) outcome of an undesired event (people or property)

Definition: Risk

Likelihood v consequence or severity

Risk assessment — a reminder!

Definition: Suitable and sufficient

A proper check was made, you asked who might be affected, and you dealt with all the obvious significant risks, taking into account the number of people who could be involved

Definition: Competent person

- While the HSE says there is no requirement for those completing a risk assessment to have had training, you should make sure that they are competent
- Competence can be defined as having the necessary **K**nowledge, **A**bility, **T**raining and **E**xperience (KATE) to identify hazards and implement sensible, proportionate solutions

Definition: Foreseeable risk

Common – industrial – expert

Risk assessment – common mistakes

Lack of input or knowledge and not including the experts – people doing the job!

Underplaying the risk to allow jobs to pass through (WAH) or overregging the risk through fear of trivial risk – bonkers conkers!

One-size-fits-all RAMS – no site-specific or dynamic risk – don't do these sat at your desk!

Not considering **reasonably foreseeable events** and behaviours of people

Must be seen to have risk assessments but **not seen to follow**

Lack of review or validation and training

Risk assessment – good practice

As for what a risk assessment consists of, any risk assessment is likely to require consideration of:

- Access/egress
- Health monitoring/surveillance
- Maintenance and inspections
- Pre-use checks
- Previous accidents / near misses
- Safe systems of work for higher-risk activities/tasks/equipment
- Start-up/stop under normal conditions and isolation for maintenance
- Training – **communicate the findings!**



Risk assessment – steps to remember

- ✓ Ensure that **at least two, preferably three, people** are involved in the creation and reviewing of risk assessments
- ✓ Involve those who **carry out the task / use the equipment** in the writing and review of risk assessments
- ✓ Employ **competent persons** to undertake/coordinate the risk assessment process
- ✓ Within the assessment, ensure that you consider **how a person can be injured** (i.e. head injury, etc.)



Risk assessment – steps to remember

- ✓ Reference applicable **guidance**, both from the HSE and trade associations – freely downloadable HSE guidance
- ✓ **Cross reference** to other assessments that are in place to prevent duplication
- ✓ **Avoid generic, ambiguous terms** relating to instruction, such as ‘PPE’ – list items required and use terms such as ‘must’ / ‘shall’ / ‘will’

Risk assessment – steps to remember

- If using a scoring system, ensure that a **defined matrix with definitions** is provided
- **Communicate the findings** of risk assessments to staff and obtain documented evidence that this has been seen and understood
- Ensure that risk assessments are **reviewed often** and at least annually – safety critical
- Have an **index** in place which lists all assessments, and the dates on which reviews are required, to provide a quick-reference guide

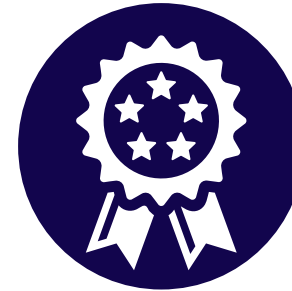
Questions & Answers



4.8 star
Google rating



Hands-on, high-
quality support



40,000+ UK
employers



Set-cost
subscription
models



Market-leading
software



One-to-one
relationships
with clients



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