

Nebosh Diploma Element A1

Relevant External Documents

You should read the following sections of regulations and law in association with this element. It's a good idea to read these before you start on the element, then refer to them in the course of studying this element. You can download PDF copies of these via the HSE website, and I suggest using the MHSWR 1999 Approved Code of Practice.

Management of Health and Safety at Work Regulations 1999 – Regulations 3, 4, 5 and 7
Health and Safety at Work etc. Act 1974 – section 2

Principles of health and safety management

One of the first questions we should answer is “Why spend time and money on managing health and safety ?”

MORAL Reasons:-

- Society places moral obligations on people to behave reasonably to one another and to take care of each other. This is displayed through public opinion and can be often seen in newspapers and other media after a major incident or an act which offends the moral standard of the majority of the public (such as murder, robbery and other crimes).
- The public expects employers to take reasonable care of their employees, schools to take care of the children in their care, hospitals to take care of their patients.
- It should not be a condition of work that an employee risks life and health in doing their job.
- Society also expects that the public are protected from harm.
- The moral case for managing health and safety should be enough you would think, however history has shown that not everyone has sufficient moral motivation and in those cases the legal and economic arguments reinforce the expectation to manage hazards and risks.

LEGAL Reasons:-

- Punitive - As a result of public pressure parliament has made laws and regulations to define the behaviour expected of people and organisations, to expose those who do not comply with these standards of acceptable behavior and to punish them using fines, imprisonment and publicity of their conduct. In extreme cases a winding up order can be issued by the courts in order to close an organisation and individuals within an organisation can be prosecuted and imprisoned.
- Preventive - The government appointed regulators for health & safety (the HSE and Local Authorities) have legal powers to issue notices which have legal status and can prohibit dangerous activities (prohibition notices) and force changes (improvement notices) to prevent accidents. Failure to comply with these can also result in fines and imprisonment as a result of court action.
- Compensatory - Civil law allows people who have suffered harm as a result of health &

safety failures to sue for compensation for their pain and suffering and to compensate for future losses expected to be incurred as a result of an injury or ill health.

ECONOMIC Reasons:-

- Organisations require money to operate and achieve their aims and part of this is controlling costs. Business' exist to make a profit for their owners, so controlling costs and maximising profit are of prime importance.
- Managing health and safety is a readily measurable cost, but less readily available is the cost of not managing health and safety.