

HEALTH, WELFARE AND SAFETY: A LEGAL OBLIGATION OR A MORAL IMPERATIVE FOR A SUCCESSFUL MAJOR PROJECT?



Highlights from the Major Projects Association event held on **10th March 2016**

In Britain as a whole, the Health and Safety Executive (HSE) reported 142 fatally injured workers in 2014–15. Alongside the moral and legal considerations that drive effective management of health and safety within organisations, statistics demonstrate that there is a clear economic case. The **HSE statistics** published for Great Britain in 2014–15 place the cost of injuries and ill health from current working conditions at £14.3 billion per year.



(Karen Nightingall, Director, People and Capability, HSE)

The question is where that leaves organisations seeking to address the multiple challenges associated with effective management of health and safety on major projects.

LEADERSHIP AND PLANNING

For the HSE, the key to effective management of health and safety lies in good leadership and good planning. Delivering projects safely should not be an afterthought, but a priority that begins when the design stage is instigated.

The London 2012 Games created a lasting legacy. It was a massive project involving diverse groups of contractors, 12,000 workers, an 80,000-seater stadium and 2,818 residential flats. Leadership, competence and good management of contractors delivered a project with zero fatalities. Crossrail and Tideway are to be commended for the way in which they are building upon this legacy.

The importance of safe design is an approach which is recognised not just by the HSE but by many across the major projects world. Engaging with the supply chain and involving them early means that the whole process, from design to delivery, has safety at the forefront.

'This is why it's so important to address the health and safety issues associated with any major project up front, in the formative stages of planning the project – not as an afterthought or an add-on when all of the designs are complete and construction is just about to start.'

Karen Nightingall, Director, People and Capability, HSE

THE IMPORTANCE OF MENTAL HEALTH

Statistics indicate that one in four people in the UK suffer from some form of mental health issue. Historically, mental health has often been considered a 'taboo subject', but it has become increasingly fundamental for organisations to address the issue. Combining physical and mental health to address overall well-being can bring rewards; whether reflected in performance, confidence of the workforce, or strengthening relationships with trade unions.

FOCUS ON WELL-BEING

For Royal Mail, with a 143,000 employee-strong UK workforce, the focus on well-being is at the forefront of their approach to managing health and safety.

It has undergone the added challenge of maintaining well-being during a major transformational change. Following privatisation, while continuing to operate in a highly competitive and heavily regulated industry the organisation widened its health and safety focus to include well-being, and this has produced results. Employee engagement surveys show an increased 'My organisation cares about my well-being' score and there has been a reduction in sickness absence. Further, the organisation's 'Feeling First Class' employee assistance programme has been a tool to educate the workforce, to engage people and drive self-efficacy.

CONTINUOUS LEARNING AND IMPROVEMENT

A well-recognised challenge faced by organisations is to continue to learn from positive and negative experiences, and to move forward. In addition, there is the need to engage that part of the workforce which is not already involved in health, safety and well-being campaigns – which often includes the individuals who would benefit most.

By keeping the message moving, involving 'ambassadors' across the workforce and adopting powerful campaigns to drive home a clear message that safety is key to a major project, organisations are seeing success.

'When we talk about continuous improvement, it must start from a base of standardisation. Do you have the correct standards in place before you start building on them?'

Ian Jones, Chief of Staff – Operations, Royal Mail Group

WHAT HAPPENS WHEN THINGS DO NOT GO TO PLAN?

Unfortunately, in major projects incidents do occur and in these situations organisations can find themselves under intense scrutiny very quickly.

'Regulatory investigations can continue on for weeks, months, years; be ready for the long haul. As an organisation, it is never too early to start taking action after an incident. It is essential to do everything you can at the earliest opportunity.'

Jan Burgess, Partner Health & Safety and Solicitor-Advocate, CMS
Cameron McKenna

Where there is a fatality, it is unavoidable that an organisation is going to face some kind of legal proceedings. It is essential that organisations have processes in place for dealing with incidents, whether it be a 'near miss' or a fatality. Careful attention must be given to supporting witnesses in the aftermath of an incident, to gathering information and considering the best approach to sharing information with stakeholders. Legal advice should be sought, and the implementation of 'legal privilege' given serious thought and consideration, in order to allow an organisation to conduct a thorough investigation into the incident without being at risk of incriminating itself.

It is also essential that organisations take a proactive approach to the management of legal risks. 2015 saw a major overhaul of the existing **Construction (Design and Management) Regulations** (CDM) forcing *all* those within the procurement chain to think carefully about their legal duties on major projects.

'High-reliability organisations are always looking forward; they treat "near misses" with the same level of importance as accidents. Anticipate and contain, it is what oil and gas do well.'

Jane Hopkinson, Senior Psychologist, Human Sciences Unit,
Health & Safety Laboratory

'Recent years have seen a major sea change in the rail industry, driven by culture and leadership. I see a place that is completely different.'

Rob Brighthouse, Non-Executive Director, Network Rail

Organisations can quickly find their role on construction projects under the examination of the regulator. Careful housekeeping is essential to ensure organisations can demonstrate that project milestones have been followed and clear processes are in place. Duty holders have to be aware of the impact their role has on a project. There must be a readiness and willingness to adapt to the different approaches each organisation takes.

LEGAL OBLIGATION OR MORAL IMPERATIVE?

Although legal obligations may force an organisation to take action, the moral imperative is often the driver behind an organisation's approach to managing health, welfare and safety on major projects. The often devastating effects of an individual injured by an organisation's activity will hit harder than numbers.

'Changes made to CDM were all about leadership, placing responsibility on the person in control, and with a much stronger duty on the client. The regulations have been simplified to be easier to understand, but also easier to enforce.'

Gavin Bye, Operations Director Safety Health and Environment,
Costain

POINTS FOR FURTHER DISCUSSION

- As an organisation, do you have a robust process for managing the risks associated with workplace driving?
- Do we really know the true extent of the role alcohol and drugs have to play in workplace incidents?
- What is the true impact of CDM 2015?

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