

Risk assessment

A guide for UNISON safety reps

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Introduction

No one should be put at unnecessary risk at work. Work related death, injuries, and ill-health are not acceptable, and are mostly avoidable.

Your employer has a responsibility to ensure that work does not harm employees and others. Not only is it the right thing to do – it's the law. The Health and Safety at Work Act (HSWA) requires employers to ensure the health, safety, and welfare at work of all their staff, plus any others who may be affected, such as service users and visitors.

The main tool for employers to ensure that the work of their organisation does not cause harm is to carry out proper risk assessments. The safety of employees, visitors, and the public depend on this; and it is a requirement in law under the Management of Health and Safety at Work Regulations (The Management Regulations).

Some particular hazards also have specific regulations which require assessments to be undertaken. These include: asbestos, chemicals and other hazardous substances, computer based work, fire, ionising radiation, lead, manual handling, noise, personal protective equipment and pressurised systems. Topic specific regulations may have more detailed requirements which must be followed. However these requirements are in addition to and not instead of the Management Regulations.

Therefore if the Management Regulations have additional requirements, these must also be followed.

UNISON has produced guidance on many of the hazards that have specific requirements to risk assess. This guidance can be obtained in the usual way, either from UNISON's website or by ordering it from UNISON (see the further resources section later).

There have been increasing attacks on the concept of risk assessment, but these are based on mis-information and a lack of understanding. Risk assessments are not red tape, unnecessary burdens on business, nor necessarily complex. Risk assessments can be reasonably simple, and are an important and proportionate way of ensuring good health and safety.

Safety reps have an important role to play in ensuring that employers carry out risk assessments, and that those risk assessments are sufficient to avoid or reduce the chances of someone being hurt. A failure by employers to carry out risk assessments, or doing them badly means that risks get missed or are underestimated and workers and others get hurt.

The rest of this guide will explain exactly what a risk assessment is, how these should be done by employers, and how safety reps can ensure that those carried out by the employer are good enough.

What is a risk assessment?

A risk assessment is not necessarily a complex process. It can be relatively simple and may be broken down into a number of steps. Put simply, it is a way of identifying the hazards (things that may cause harm) from work and assessing the risk (likelihood or chance) that these hazards will cause harm to employees or others. Having established what the hazards and risks are, the employer then needs to put in place "reasonably practicable" (see later) steps to avoid or minimise those risks.

There is no set way of doing a risk assessment, so employers may choose the approach they wish, but the approach needs to be systematic, thorough, and completed. One way of doing this is the Health and Safety Executive's (HSE's) five step approach to risk assessment. Below we look at and explain each of these steps, and challenge some of the myths being circulated by the right-wing press and others.

It couldn't be simpler!

The HSE has recently developed some web based and interactive tools which are supposed to help employers with carrying out a risk assessment. However, UNISON has some concerns as these supposed simplified materials are a response to the perceived burdens of conducting a risk assessment, rather than a solution. For example, a risk assessment for office cleaning includes a warning that it is not a generic risk assessment so employers can only use it as a guide. Another aimed at schools is more a classroom checklist than a risk assessment, and is only designed to complement school-wide systems for managing risks. The interactive risk assessment for offices appears to be too simplistic and needs to be adapted to different office environments. So whilst it is supposed to make carrying out a risk assessment more simple, there is a real risk that employers will just rely on these tools alone, and therefore not have the sufficient information or knowledge to conduct a proper assessment of all the hazards.

UNISON believes that for employers to conduct a suitable and sufficient risk assessment (as is required

by the law) they should at the very least follow the five step approach set out below and use the materials mentioned above only as a guide. UNISON also believes that by using this approach, a risk assessment need not be a burden nor too complex. However, it is possible that larger organisations or those with major hazards may find the HSE's five steps to risk assessment approach too simple for their requirements.

If you need any specific advice for your workplace contact your branch health and safety officer or branch secretary who may be able to assist. If not, they may pass on your query to the UNISON regional officer, who may in turn contact UNISON's Health and Safety Unit.

Five steps to risk assessment

Step 1 – identify the hazards

A hazard is something which may cause harm to you or other people, and identifying the potential hazard is the employer's first step in a risk assessment. The harm may occur at the time of doing the work, or may happen at a later date, possibly even years later.

Those listed below are just some of the many potential hazards. There are plenty more and your employer must consider which of them may present a chance of harm to employees or others that come into contact with the work or business.

Potential hazards can include:

- Physical hazards such as: awkward or fixed positions (postures); asbestos; chemicals (liquids, gases, dusts, mists, or fumes) and other hazardous substances; computers and other display screens and monitors; diesel; drugs; electricity; fire; lead; machinery; manual handling; nanomaterials; noise; non-ionising radiation; paints; repetitive movements; slips, trips and falls; solvents; transport; and vibration.
- Biological hazards such as: HIV/AIDS; animal and plant allergens; diseases from animals; hepatitis; lab cultures; legionnaire's disease; MRSA; and TB.
- Psychosocial hazards such as: a lack of consultation, support, or participation; a lack of control over work; boredom and isolation; bullying; long hours; shiftwork; monotonous or paced work; violence (either verbal or physical by clients, patients, or the public); work-related stress; and work overload.

One way for the employer to identify hazards of concern is to consult you as the safety rep, and to ask the employees themselves (which can be done by consulting you as their safety rep). This is a very effective way to identify hazards because you and your colleagues are doing the job, know how it is done in practice, know what doesn't work, and know what causes problems. Being more familiar with the work means you and they are more likely to notice things than others less familiar with the work.

For a similar reason, the work being assessed can be observed to see how it is actually done in practice, rather than supposedly done in theory. It is also important not to forget the less obvious hazards from non-routine operations and long-term hazards to health.

Other means of identifying hazards are for the employer to check the HSE website and other relevant trade, professional, or health and safety publications; relevant instructions and safety data sheets; the accident book; incident investigation reports; occupational health statistics; and the reasons for sickness absence.

Myth buster

An employer need not consider every hazard, only those that have the potential to cause harm in relation to the task, job, or place under consideration. Therefore, if the employer owns a newly built building and is therefore certain that it contains no asbestos, then no further action on risk assessing asbestos within the building need be taken (unless some equipment within it may contain asbestos). If the hazard does not apply in the circumstance, then the risk assessment for this issue need go no further.

Safety rep checklist

- Has the employer considered all the potential hazards (see above) for the way the work is actually done?
- Is your employer informed about the potential hazards?
 - Have you as a safety rep, your members, and other workers been asked about any potential hazards?
 - Has your employer considered other relevant sources of information (see above)?

Step 2 – decide who might be harmed and how

Next, employers must consider all of their workers. This needs to include those who work off site, in the community, at another employer's site, part-time, at night, at home, or who are non-routine such as maintenance. They must give particular attention

to those who are more vulnerable such as young or inexperienced workers or new and expectant mothers, older or disabled workers. Employers must also consider others who are not their employees but may be harmed by the work or business, including visitors, the public, and employees of other organisations.

A gender sensitive approach should be taken when considering who might be harmed and how, including the different reproductive hazards faced by men and women (such as risks to an unborn child). It is also important not to forget either gender when considering a job or task mostly performed by one. Issues that only affect one gender such as the menopause must also be taken into account when considering, for example, workplace temperatures. See the UNISON guide, Gender Safety and Health for more information (go to the further resources section below).

Next, they must think about how they might be harmed. For example, teaching assistants may be at risk from bullying; violence; stress; slips, trips and falls; and manual handling. Cleaners may also be at risk from some of these hazards, but in addition may be subject to others such as lone working, chemicals, and manual handling. These are just examples. Some of these hazards may be relevant to your workplace, whilst others may not, but you will probably identify others.

To identify who might be harmed and how, the employer should consult you as the safety rep, and the employees themselves (which can be done by consulting you). Remember you and the workers probably know more about the job and the problems in practice. Other ways of identifying who might be harmed and how, are to check the HSE website and other relevant trade, professional, or health and safety publications; relevant instructions and safety data sheets; the accident book; investigation reports; occupational health statistics and the reasons for sickness absence.

Myth buster

Using the HSE's and the government's own figures, the TUC estimates that up to 20,000 people each

year die from risks associated with the work they do. Most of the deaths that get publicly reported are where someone dies instantly following an incident in the workplace, such as a violent attack or being crushed by some machinery – these may account for around 200 deaths per year. However, over 1,000 deaths per year occur as a result of driving on the job. But the biggest killer is work-related diseases, which make up most of the 20,000 deaths – including cancers caused by exposure to chemicals and asbestos, stress-related heart attacks and strokes, and respiratory illnesses.

Many campaigners believe that the government's and the HSE's figures are unreliable, and that the true figure could be up to 50,000 people dying each year because of work, mostly from work-related diseases (see the further resources section 'The Whole Story' for more on this).

Safety rep checklist

- Has the employer considered all those who might be harmed, whether employed by them or not, whether at the employer's main or only work-site or elsewhere off-site, and including particularly vulnerable persons, such as young, inexperienced or older workers, new or expectant mothers?
- Has the employer considered all the ways in which their staff and others may be harmed? Not just those safety related incidents such as slips and trips, but also those that are health-related such as stress or exposure to dangerous substances, and those that are psychosocial such as bullying and violence.

Step 3 – assess the risks and identify ways to avoid or reduce that risk

Assessing the risk means estimating the chance or likelihood of someone being harmed. Once they have worked out this risk, employers then need to reduce the chance of it happening as far as is "reasonably practicable" (see page 9).

Assessing the level of risk

There are numerous ways of assessing the level of risk, that is, the chance or likelihood that harm might occur. They all involve making an estimate which should be informed by the evidence and other

sources of information, and require judging what level is acceptable. There is no one correct way of doing this, and a particular method that works in one circumstance may not be appropriate in other circumstances. However, the method used by the employer must be “suitable and sufficient” (see below).

Risks may be ranked by giving them a score such as: “zero” for no risk, “one” for a slight risk of a not very serious injury, “two” for a moderate risk (where either more people are likely to be injured or more serious injury is likely to occur), and “three” for a high risk (where there is a significant chance of serious injury or death).

Ranking risks may assist with prioritising which of them an employer needs to deal with immediately, which can be planned for, and which may require immediate but temporary solutions and longer-term planning for permanent solutions. So for example, a risk of electric shock from a faulty computer that could lead to death would require immediate attention. A risk from a faulty lift may temporarily be dealt with by taking it out of service, and then arranging for it to be serviced or replaced.

A slightly more complex but thorough method of assessing the level of risk is to use a matrix (or table – see the example below). Here the seriousness of harm is multiplied by the likelihood (risk) of it happening, but first the seriousness of harm and likelihood have to be assessed and given scores. The scoring could be:

Level of harm	or	Likelihood	Score
No injury		Almost impossible	1
First aid only		Unlikely	2
Unable to do usual work one – three days		Possible	3
Unable to do usual work for more than three days		Likely	4
Major injury or death		Almost certain	5

So where the harm may amount to a major injury or death, this gets a score of 5. If the chance of this happening is believed to be “likely”, then this gets a 4. If you follow the “5” in the column below along to where the “4” in the row meet, it shows a risk rating of “20” (see below).

Harm	5	5	10	15	20	35
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
	0	1	2	3	4	5
Likelihood						

So an employer might prioritise taking action as follows:

Risk rating	Action
1 - 4	No further action
5 - 9	Re-assess after the next review
10 - 16	Within three months
17 - 25	Immediately

This risk rating approach is taken from a real-life situation. It shows that the employer in question believed that it could wait for up to three months before it needed to take action to prevent or minimise the risk of a hazard where someone might be unable to do their job for more than three days or where it might result in a minor injury. This system also took no account of how many workers might be involved. The speed of action for each risk rating should also be subject to negotiation - in this case the safety reps would probably have argued that a score of 10 or over should result in immediate action, and a score of six to nine should see a plan for action within three months.

Clearly this method of risk assessment is still not an exact science, as it also depends upon someone's judgement. Therefore, these systems should only be used as a guide. The calculation for the likelihood of harm occurring will be an estimate and so may be wrong. Some risk rating approaches might take into account whether any medical treatment was required and if so whether this was as an outpatient or inpatient. Also, what management may determine as an acceptable level of risk may be clouded by budgetary or other pressures. Those doing the actual work and therefore at risk may have a very different opinion.

To assess the risk the employer should consult you as the safety rep to establish the level of risk and the seriousness of harm experienced by you and your members. Once again other means of identifying the level of risk and potential seriousness of harm include: the HSE website and other relevant trade, professional, or health and safety publications; the accident book; incident investigation reports; occupational health statistics, and the reasons for sickness absence.

It is important to know what system your employer uses and to understand it, so if it is complex, ask them for an explanation or training. You will then be able to challenge the assumptions or findings of the scheme if appropriate. You might want to challenge the employer where for example: they say that there are no risks, where they underestimate the seriousness of harm likely, or where they say there is not anything or anything more that can be done to prevent or control the risks (see just below).

The risk assessment must enable the employer to prioritise so that the most serious issues are dealt with first, and to enable a timetable to be set for implementing the necessary actions to prevent, where reasonably practicable, or otherwise control and minimise the risks.

Prevention and control – avoid or reduce

Since the employer's duty is to prevent or control the risks, they must consider whether it is possible to prevent the risk by removing or avoiding the hazard or substituting it with a safer alternative. This must always be the first aim and could be done for a dangerous piece of equipment, a substance, or a way of working. So for example use a pneumatic attachment on a tractor or caterpillar where possible, rather than a handheld pneumatic gun; replace a solvent based chemical with a water based one; or introduce the use of a trolley to move sacks of post, or a hoist to lift patients.

However, when a substitute is being sought, this must also be risk assessed. There is a possibility that the proposed replacement could introduce new but less hazardous risks that need to be prevented or controlled, or even a more serious hazard or greater risk.

Case study

The cleaners of an office block complained to their supervisor that a new cleaning solution was causing irritation to their throats. Other members of staff who were working late in the offices while the cleaning took place had also complained. The facilities manager sought an alternative cleaner from the supplier. When the safety rep read the safety data sheet for the new alternative, she found that the new cleaning substance was more than needed as it could also be used to clean ovens, and was a potential carcinogen (that is, it may have been cancer causing). The end result was to go back to using the original safer product but change the way it was being used, so rather than spraying it onto the surface of the cupboards (allowing some of it to escape into the air to be breathed in) it was sprayed directly into the cleaning cloth and applied to the cupboards this way.

Where there is a risk of harm which cannot be prevented or avoided, then employers are expected to take “reasonably practicable” steps (appropriate action) to control or minimise the risks. Put simply, the more likely it is that harm will occur, and the more serious that harm could be, the more the employer is expected to do.

For a very simple example, if the risk of getting a splinter from doing a particular task is so high that it happens every time the task is carried out, then the employer would be expected to take reasonably practical steps to prevent this risk. A tool with a wooden handle might have a new handle fitted, or perhaps the handle could be sanded to remove any splinters. If the job involves picking up the odd bit of scrap wood or rusty metal, then appropriate protective gloves might be the solution.

The steps expected to be taken by an employer to tackle a risk that occurred only once in 10 years, might be far less than if the risk occurred monthly. However, if by comparison, the risk of harm is a high risk of death, then the employer would have to do much more to avoid this risk.

The principles of prevention

The Management Regulations lay down general principles of prevention for employers to apply when tackling hazards:

- Avoid the risk (or hazard). For example clean upstairs windows from the ground by using an extendable pole and thereby avoid the risk of a fall from height.
- Evaluate (assess) the risks which cannot be avoided.
- Combat the risk at source. If for example, materials are received in heavy packages, ask for smaller packages or units to be delivered.
- Adapt the work to the individual (especially the design of workplaces, choice of work equipment, and ways of working).
- Adapt to technical progress and advances which may be safer.

- Replace the dangerous by the non-dangerous or less dangerous. For example use water based paint in place of solvent based paint. However, when doing this, employers need to risk assess the replacement for any new or potentially worse hazards (see the previous case study above).
- Develop a coherent prevention policy to cover all the areas of work.
- Prioritise collective protective measures over individual protective measures. For example if there is a risk of a fall from a work platform, install a barrier in preference to providing safety harnesses.
- Give appropriate instructions to employees.

Once again, to identify appropriate measures to prevent or reduce the risk of harm, the employer should consult you as the safety rep and the other employers (through you) and should make use of the other sources of information mentioned in steps 1 and 2.

Case study

Manual handling injuries used to be a common occurrence at Hereford Hospital. A survey had suggested that over a 12 month period, one in five health workers had suffered back pain so severe that they were forced to take time off. Over the years, several porters and nurses had had to give up work due to their injuries.

A new type of lifting equipment, the pat slide, was discovered by the UNISON branch and has saved numerous health workers from the pain, misery, and cost of back injury; and has made the transfer of patients less traumatic and painful. The pat slide is now a common piece of equipment in hospitals.

There may already be measures in place to prevent or control the risks and these may be adequate. Alternatively there may be no measures in place, or it may be that those that are, are no-longer adequate. Sometimes new systems, methods, materials, or substances might become

available that reduce the risk and are not currently being used because they did not exist the last time the risks were assessed. So part of the assessment is to consider whether the current measures of prevention or control are working, and whether they can be improved upon.

It may be appropriate for the employer to provide health surveillance. This will be where:

1. There is an identifiable disease or adverse health condition related to the work;
2. It is possible to detect the illness or condition;
3. There is a reasonable likelihood that it may occur in the given circumstances of the work; and
4. The surveillance may lead to further protection.

The law for some specific hazards also sets criteria for health surveillance particular to these hazards. The type and frequency of the surveillance should be decided by a competent person (having appropriate knowledge, training, and/or experience) referring to suitable guidance (such as from the HSE) or by a qualified medical practitioner.

Myth buster

If there is no risk of harm from an identified hazard, then no further action needs to be taken. For example, if there is no risk of a fall from height when window cleaning, because an extendable tool is used from the ground, then this hazard need be considered no further. However, this does involve a manual handling task which will need to be risk assessed.

In addition, employers are not expected to get rid of all risks, just those for which it is reasonably practicable (see below). Risks are a part of life. If we never crossed a road, we'd be less likely to get run over, but we would not be able to carry out our life very well either. So what we do, is take sensible practical steps to make sure that we cross the road safely to try to avoid harm – we check for traffic, and cross when there is none or once it has stopped.

Similarly, employers are not expected to remove the risk of all hazards from the workplace, because that would probably prevent getting any work done. However, they are expected to take “reasonably practicable” steps to avoid or otherwise control the risks.

So employers should be adopting measures to prevent or minimise the risk of death, serious injury, or ill-health. This applies to all jobs, even those which are seen as “naturally” dangerous. Police officers and police community support officers are given stab resistant body armour; firemen are given heat and fire resistant clothing; and even soldiers (perhaps expected to be the most dangerous and life threatening job) are given body armour, helmets, and armoured vehicles for protection.

For other risks employers are expected to take proportionate steps to prevent where possible (given proportionate means) or otherwise control and thereby minimise the risks.

Safety rep checklist

- Has the employer made a suitable and sufficient (see below) assessment of the risks?
- Are the measures of prevention and control kept under review?
 - Are they used and do they work/are they effective? If not why not, or are there newer and better alternatives?
 - Have the principles of prevention been applied (see page 9)
- Are there any other measures that you or the other employees can think of that could further reduce the risks faced?
- Should health surveillance be provided, and if so is it adequate?

Step 4 – record and apply the findings

Employers should make a record (on paper or electronically) of risk assessments once they have been carried out. It should include the significant findings and the details of any groups of employees particularly at risk: what are the hazards and risks, who may be harmed and how, what measures are being taken to prevent or reduce the risks and why, and who is responsible for ensuring that these are implemented or followed up.

If the employer has five or more employees they must make this record, but it is good practice for very small employers to do this as well. Having this record shows that they have carried out a risk assessment, should a health and safety inspector carry out a visit. The employer will also be able to refer to it in future as a reminder, to check that they have done everything that was required, and to decide if there is anything more that can be done when carrying out a review.

It is important that any steps identified to prevent or reduce the risks in the assessment are carried out. A risk assessment which is just filed away, without these measures being implemented is of little use and does not meet the requirements of the law.

The employer must share the findings with the safety rep and the employees doing the tasks or working in the place assessed. As a safety rep you have a right to this information. Employees need to know about the risks identified, the preventative and protective measures, and the procedures for serious and imminent danger (see below). This will enable them to implement or carry out the necessary precautions and understand why they are necessary.

Myth buster

Employers do not need stacks and stacks of paperwork, but nor can they choose not to record anything. Huge folders that discourage anyone from looking at the risk assessments are of no use to anyone, but not recording anything makes it difficult to check at a later date that all the issues were considered and that all the steps to prevent or control the risks have been put in place.

Safety rep checklist

- Has the employer recorded the key findings of the risk assessment, including:
 - The hazards
 - The risks
 - Who may be harmed and how
 - The measures taken to prevent or reduce the risks?
- Does the risk assessment record who will ensure that it is implemented or at least followed up?
- Have you been consulted on the risk assessment?
- Have the employees been informed of:
 - The risks,
 - The measures the employer has taken to prevent or reduce the risk of harm,
 - The measures they need to apply, and
 - What to do in the event of serious and imminent danger (see below)?
- Has the employer implemented the measures of prevention and control?
- Is there a date given for when the risk assessment should be reviewed?

Step 5 – review the risk assessment and update it as necessary.

Even a good risk assessment that has been applied cannot just then be forgotten about. Things change, so a risk assessment must be looked at again on a regular basis. How frequently will depend on the hazard, the likelihood that someone may be harmed, and the severity of that harm; but it should usually be at least every year.

New information, new ways of working or new and different equipment, new ways of preventing or controlling risks, or circumstances which indicate that a risk assessment is no-longer valid will all mean that an assessment should be revisited immediately, rather than waiting for the periodic review. Examples where a risk assessment might need to be reviewed immediately, include: an “accident” at work, work-related ill-health, a violent incident, a near-miss, or particular trends in sickness absence statistics or with occupational health surveillance.

Myth buster

Conducting a review need not be a burden or too difficult, but nor is it just a paper exercise. Have there been any changes since the risk assessment was last conducted or reviewed? If no changes have occurred, then that is probably all that needs to be done, and the date of the review should be recorded.

If there has been a change, then the other steps of the risk assessment will have to be reviewed. For example, if a new tool, equipment, process or method of work is to be introduced, then the employer will need to consider if these may introduce a new hazard, and then move on to the risks, and then on to steps three and four. If a young worker is being employed or a work experience placement being taken on, then the employer may have to review the risk assessments from step two – who may be harmed and how? If there have been a number of slips on a wet floor in a kitchen, then it may be that the current measures of preventing or controlling the risks of slips (such as splash guards, non-slip flooring, lids to contain vapours, etc.) may be failing or insufficient and may need to be re-evaluated with alternative measures found.

Safety rep checklist

- Is it time for the periodic review of risk assessments?
- Have there been any changes which indicate that the risk assessments should be reviewed? These changes may include new information about the hazard or nature of the risks, new ways of working or new and different equipment, new ways of preventing or controlling risks, “accidents” at work, work-related ill-health, a violent incident, a near-miss, or particular trends in sickness absence statistics or with occupational health surveillance which suggest a level of harm occurring.

Who conducts the risk assessment, and who is consulted?

The employer is responsible for carrying out risk assessments, or ensuring that they are carried out.

Competent persons – to carry out the assessments

Risk assessments should be conducted by “competent persons” with a preference for someone who already works for the employer, rather than an external consultant. To be competent, the individual should have a knowledge and understanding of the work being assessed and the applicable hazards, the principles of risk assessment and prevention of risk, and up-to-date health and safety measures. They should also be able to: identify health and safety issues; assess the need for action; design, develop, and implement strategies and plans; promote health, safety, and welfare advances and good practices; and know their limitations and when to call in specialist expertise.

If management cannot find the competent person from within their workforce, they should look to get sufficiently trained and experienced staff. Employing consultants instead may be a quick fix, but they rarely have the depth of knowledge about the work, and are unable to follow through the assessment process to ensure the risk assessment is fully implemented. In the long run, they can also be more expensive.

Employers should not delegate risk assessments to safety reps just because they are a safety rep – it is not the job of a safety rep to carry out risk assessments. If your employer is trying to delegate this role to safety reps, then speak with your local UNISON steward, branch safety officer, or branch secretary. However, it is possible that a safety rep may as part of their regular job with the employer, be delegated the task of conducting or reviewing some risk assessments. In this case, the safety rep may wish to consult with another safety rep on these risk assessments to avoid any possible conflict of interest

and to get that useful second opinion that safety reps can provide to any risk assessor.

Safety reps and workers – right to be consulted

It is a legal right of safety reps to be consulted on the appointment of the competent persons and on the employer's risk assessments. See UNISON's guide for health and safety reps (stock no. 1684) and the UNISON guide, *Health and Safety Inspections at Work* (stock no. 1939) for more information on your rights. It is not the role of a safety rep to carry out a risk assessment. But safety reps can be involved in the process, and some UNISON safety reps have found that this is the best way of improving the quality of their employer's risk assessments.

Safety reps and workers can certainly play an important role in judging whether a risk assessment is suitable and sufficient (see below). They know how the job is done, whether the measures in place to prevent or control the risks are practical, and possibly if they are effective. They may identify hazards, risks, the failings of safety measures, and solutions that those less familiar with the work may otherwise miss. Research shows that health and safety measures are far more effective when they involve safety reps and workers, so health and safety must not just be left to management. See the TUC's report, *The Union Effect*, for more information (go to the further resources section below).

It is also important for the purposes of consultation that non-union members are also consulted by safety reps. Employers are required to consult on health and safety with all workers. If union safety reps cover all workers for consultation, the employer needs do no more than consult with those safety reps. If however non-members are not covered by a union safety rep, then the employer has to make separate arrangements which can include arranging for other reps who do not have the support of the union.

Safety rep checklist

- Are safety reps consulted on the appointment of competent persons?
- Are risk assessments carried out by competent persons? This means someone who:

- Preferably already works for the employer.
 - Has a knowledge and understanding of the work, the applicable hazards, the principles of risk assessment and prevention, and of up-to-date health and safety measures.
 - Is able to identify health and safety issues; assess the need for action; design, develop, and implement strategies and plans; promote health, safety, and welfare advances and good practices; and identify their own limitations and know when to call in specialist expertise.
- Are safety reps and workers meaningfully consulted on the risk assessments, including the individual steps 1- 5 (see earlier)?

A proper risk assessment – suitable, sufficient, and generic?

The Management Regulations require the employer to conduct a suitable and sufficient risk assessment – which means it must identify the hazards; decide if they have the potential to cause harm; identify those at risk and how, including particularly vulnerable groups; and identify further measures of prevention and control that need to be applied (see steps 1-5 above).

The risk assessment must be based on the real life situation – how the work is actually carried out, taking into account when and where it is carried out, and with the actual number of staff that are available to do the work, not the theoretical staffing levels.

Management are often keen to carry out generic risk assessments which involves risk assessing a sample rather than assessing every individual task, job, or workplace. The HSE accepts that generic risk assessments may be used, so long as the jobs and workplaces they are applied to are very similar, but UNISON advises caution. Employers may be too keen to use generic risk assessments even when not appropriate because it may reduce the workload. Of course, using generic risk assessments when not appropriate only reduces their workload up until

when someone is harmed or a health and safety inspector visits the workplace. In addition, there may be less obvious or one-off hazards that may be missed by generic risk assessments.

Safety rep checklist

- Have all the hazards been considered, including chemicals and other hazardous substances, tasks (e.g. manual handling), equipment (e.g. tail lifts on trucks), and work organisation (e.g. shiftwork or nightwork)? See step 1 above for more information.
- Have any specific regulations been considered and complied with, for example those covering hazardous substances, asbestos, or fire? See the introduction at the beginning of this guide for more information on this.
- Have all the risks been assessed? See step 3 above.
- Have all those at risk been considered including those off-site, or who work outside of normal office/opening hours such as security and cleaners, and those who may be particularly at risk or vulnerable? See step 2 above for more detail.
- Has how the work is actually done been assessed rather than how the work is “supposed” to be done?
- Have existing measures of prevention and control been reviewed – are they working, used, or have they been superseded by newer methods? Again see step 3 above for more on this.
- Have non-routine or infrequent tasks been considered, such as maintenance, or what to do in the event of an accident or emergency situation?
- If generic risk assessments have been used, have they been used only where appropriate and with any necessary alterations?

Make contact with members and non-members

Members and non-members alike value UNISON's health and safety work, so representing members and the workforce in general on health and safety matters can be used as an organising and recruitment opportunity. It is therefore important to talk to your colleagues about risk assessments, and to advertise your successes. Further guidance on recruiting, organising, and campaigning around health and safety can be found in UNISON's guide for safety reps, *Organising for Health and Safety* (stock no. 2994).

If a non-member raises concerns, this is an opportunity to ask them to join UNISON. Even if they do not join, the issue raised may be a risk to members so you may still want to raise it in a general way with management. Regardless of what management claims about the findings of the risk assessment, if members or other workers say that they are experiencing a problem, they are probably right and the risk assessment should be reviewed. If a member raises a concern, they should be given individual support and advice, and there may be an opportunity to ask them if they would like to get more involved by becoming a safety rep, steward, or even as a first step, a workplace contact.

What if something is still wrong?

An employer should not expect work to be done unless it has been risk assessed, and the workers concerned have been informed about the hazards, risks, and the methods of prevention and control. The UNISON branch may want to negotiate as a policy with the employer, that no work is carried out unless the work has been risk assessed and the relevant information has been communicated to the workers; and that no worker will be subject to any disciplinary for refusing to undertake work that is not risk assessed.

The Management Regulations require employers to have procedures to cover events which may

lead to serious and imminent danger. This includes “enabling the persons concerned (...in the absence of guidance or instruction [by others]...) to stop work and immediately proceed to a place of safety in the event of... being exposed to serious, imminent, and unavoidable danger.” See regulation 8, which also requires such persons at risk to be prevented (but for in exceptional circumstances) from resuming work where serious and imminent danger remains.

So workers should not be expected to work where this would put them at serious, imminent, and unavoidable risk; but the UNISON branch may want to negotiate further. Since the employer should assess the risks workers are exposed to at work, then it should not expect workers to undertake work which has not been risk assessed. The UNISON branch may also want to negotiate for an agreed provision on how the branch and the employer then agree as to when it is safe for the work to continue and the tasks have been suitably and sufficiently risk assessed.

If you have concerns that a risk assessment is not suitable and sufficient and your employer is not taking the issue seriously, put your concerns in writing, ask to be consulted on the risk assessment with the criteria they have used explained, and ask for it to be jointly reviewed. See the attached appendices which may be of use for this action.

You may also want to investigate any concerns further by speaking or holding a meeting with members and non-members, carrying out a survey, or conducting a workplace safety inspection. Further guidance is available from UNISON in the following guides: *Health and Safety – a guide for UNISON safety reps* (stock no. 1684), *Health and Safety Inspections at Work* (stock no. 1939), and *Organising for Health and Safety* (stock no. 2994).

Safety rep checklist

- Do workers feel able to stop their work in the event of serious, imminent, and unavoidable danger and has the employer enabled them to do this?
- Does the employer ensure that no work will be carried out (except in exceptional circumstance) if

there is serious and imminent danger?

- Has the branch considered negotiating a policy that no work is carried out unless it has been risk assessed, with relevant information being passed to the workers?
- If you have concerns about whether a risk assessment is suitable and sufficient, and these are not being taken seriously:
 - Put your concerns in writing.
 - Ask to be consulted on the risk assessment in question with an explanation of the criteria.
 - Ask for a joint review.
- Consider investigating your concerns further by speaking or holding a meeting with members and non-members, carrying out a survey and/or conducting a workplace safety inspection.

Next steps

You should now have a thorough understanding of what a risk assessment is, what your employer should be doing, and how you can ensure that any that are conducted are good.

A safety rep checklist on risk assessments is below. This is a compilation of the mini checklists in the sections above. Some further resources are also listed, followed by some draft forms which you may use or amend for communications about risk assessments with your employer.

Risk assessment checklist for safety reps

The hazards

- Has the employer considered all the potential hazards for the way the work is actually done?
- Is your employer informed about the potential hazards?
 - Have you as a safety rep, your members, and other workers been asked about any potential hazards?
 - Has your employer looked at the HSE website and other relevant trade, professional, and health and safety publications?

Who may be harmed and how?

- Has the employer considered all those who might be harmed, whether employed by them or not, and whether at the employers main or only work-site or elsewhere off-site, and including particularly vulnerable persons?
- Has the employer considered all the ways in which their staff or others may be harmed? Not just those safety related incidents such as slips and trips, but also those that are health related such as stress or exposure to dangerous substances, and those that are psychosocial such as bullying and violence.

Assessing the risks, and prevention and control

- Has the employer made a suitable and sufficient assessment of the risks?

- Are the measures of prevention and control kept under review?
 - Are they used and do they work/are they effective? If not why not, or are there newer and better alternatives?
 - Have the principles of prevention been applied?
- Are there any other measures that you or the other employees can think of that could further reduce the risks faced?
- Should health surveillance be provided, and if so is it adequate?

Recording and applying the findings

- Has the employer recorded the key findings of the risk assessment, including:
 - The hazards
 - The risks
 - Who may be harmed and how
 - The measures taken to prevent or reduce the risks?
- Does the risk assessment record who will ensure that it is implemented or at least followed up?
- Have you been consulted on the risk assessment?
- Have the employees been informed of:
 - The risks
 - The measures the employer has taken to prevent or reduce the risk of harm
 - The measures they need to apply
 - What to do in the event of serious and imminent danger?
- Has the employer implemented the measures of prevention and control?
- Is there a date given for when the risk assessment should be reviewed?

Reviewing the assessment

- Is it time for the periodic review of risk assessments?
- Have there been any changes which indicate that the risk assessments should be reviewed?

These changes may include new information about the hazard or nature of the risks, new ways of working or new and different equipment, new ways of preventing or controlling risks, “accidents” at work, work-related ill-health, a violent incident, a near-miss, or particular trends in sickness absence statistics or with occupational health surveillance which suggest a level of harm occurring.

Competency and consultation

- Are safety reps consulted on the appointment of competent persons?
- Are risk assessments carried out by competent persons? This means someone who:
 - Preferably already works for the employer.
 - Has a knowledge and understanding of the work, the applicable hazards, the principles of risk assessment and prevention, and of up-to-date health and safety measures.
 - Is able to identify health and safety issues; assess the need for action; design, develop, and implement strategies and plans; promote health, safety, and welfare advances and good practices; and identify their own limitations and know when to call in specialist expertise.
- Are safety reps and workers meaningfully consulted on the risk assessments, including the individual steps –1- 5 (see earlier)?

Suitable, sufficient, and generic?

- Have all the hazards been considered, including chemicals and other hazardous substances, tasks (eg manual handling), equipment (e.g. tail lifts on trucks), and work organisation (eg shiftwork or nightwork)?
- Have any specific regulations been considered and complied with, for example those covering hazardous substances, asbestos, or fire?
- Have all the risks been assessed?
- Have all those at risk been considered including those off-site, or who work outside of normal office/opening hours such as security and cleaners, and those who may be particularly at risk or vulnerable?

- Has how the work is actually done been assessed rather than how the work is “supposed” to be done?
- Have existing measures of prevention and control been reviewed – are they working, used, or have they been superseded by newer methods?
- Have non-routine or infrequent tasks been considered, such as maintenance, or what to do in the event of an accident or emergency situation?

What if something is still wrong?

- Do workers feel able to stop their work in the event of serious, imminent, and unavoidable danger and has the employer enabled them to do this?
- Does the employer ensure that no work will be carried out (except in exceptional circumstance) if there is serious and imminent danger?
- Has the branch considered negotiating a policy that no work is carried out unless it has been risk assessed (with relevant information being passed to the workers) and a procedure on how the branch and the employer then agree as to when it is safe for the work to continue and that the tasks have been suitably and sufficiently risk assessed.
- If you have concerns about whether a risk assessment is suitable and sufficient, and these are not being taken seriously –
 - Put your concerns in writing
 - Ask to be consulted on the risk assessment with an explanation of the criteria
 - Ask for a joint review (don't forget the resources below, from page 19 onwards, which may be of help).
- Consider investigating your concerns further by speaking or holding a meeting with members and non-members, carrying out a survey, and/or conducting a workplace safety inspection.

Further sources of information

UNISON guidance and other materials

Health and Safety Inspections at Work (stock no.1939) – UNISON guide for safety reps on workplace safety inspections.

Health and Safety Reps Guide (stock no.1684) – UNISON guide on the role and rights of safety reps.

Organising for Health and Safety (stock no. 2994) – UNISON guide to organising, campaigning, recruiting and surveying on health and safety.

Are you at Risk? (stock no. 2720) – an awareness-raising leaflet on risk assessment aimed at members and non-members.

Are you at Risk? (stock no. 2447) – an awareness-raising poster on risk assessment aimed at members and non-members.

Gender, Safety and Health (stock no. 1982) — UNISON guide for safety reps.

UNISON also produces leading trade union guidance on a range of health and safety hazards relevant to our members.

Most of our general health and safety materials, including those mentioned above and those for recruitment are available on the web at <http://www.unison.org.uk/get-help/help-with-problems-at-work/health-and-safety/health-and-safety-guidelines> or <http://www.unison.org.uk/knowledge/health-and-safety>. Some job or sector specific materials are produced by the relevant national service group. Items such as guides, leaflets, and posters can also be downloaded or ordered from <http://86.188.184.25/fmi/iwp/cgi?-db=Online%20Catalogue&-loadframes>.

Other sources

HSE webpages on risk assessment - <http://www.hse.gov.uk/risk/index.htm>.

TUC's report, The Union Effect - http://www.tuc.org.uk/sites/default/files/tucfiles/union_effect_2011.pdf

'The Whole Story' – <http://gmhazards.files.wordpress.com/2011/06/the-whole-story-shp-december-20081.doc>.

Training for UNISON Safety Reps

A number of topical health and safety courses, including one on the roles and rights of a safety rep (and which also covers the risk assessment process) are available from UNISON - <http://www.unison.org.uk/for-activists/training>.

The TUC also has a range of courses available to UNISON safety reps, including topical hazard based courses, plus stage 1 and next steps (formerly stage 2) for safety reps - <http://www.unionlearn.org.uk/our-courses>.

Specific help, advice, and case studies

If you have any specific problems where you need help or advice, your local branch health and safety officer or branch secretary may be able to assist. If not, they may pass on your query to a regional officer, who may in turn contact UNISON's Health and Safety Unit.

And do not forget UNISON Direct, a service dedicated to providing information and advice for members. The number is 0800 0 857 857.

We also want to share your experiences and successes. So if you have a case study, an example of good practice, or a local campaign or story to share, email UNISON's Health and Safety Unit at healthandsafety@unison.co.uk, or write to UNISON, Health and Safety Unit, UNISON Centre, 130 Euston Road, London, NW1 2AY.

Draft forms (see page 19 - 22)

Photocopy the forms for multiple use. Insert the relevant details and amend as appropriate.

UNISON Un-assessed Risk Report Form – for where a suitable and sufficient risk assessment has not been conducted.

UNISON Request for Risk Assessment Records – for where you have not been provided with a copy of the risk assessments.

UNISON Request for a Risk Assessment Review – for where the employer needs to review a risk assessment.



(keep a copy of this form)

UNISON Un-assessed Risk Report Form

The Management of Health and Safety at Work Regulations 1999 require employers to make a suitable and sufficient risk assessment of the hazards from work and implement measures to prevent or control exposure to these hazards.

A risk assessment has not been carried out as required by law – the relevant details are specified further down. An assessment should now be carried out, in consultation with the relevant safety reps (as indicated below).

Task, area of work, job, or hazard:
.....
.....

Description of problem/hazard/risks:
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.....
.....

Name(s) and signature(s) of safety rep(s): Date:
..... Date:

Management reply (including action taken with date or reasons why action not taken):
.....
.....
.....
.....

Name and signature of manager: Date:

UNISON request for a Risk Assessment Review

The Management of Health and Safety at Work Regulations 1999 require employers to make a suitable and sufficient risk assessment of the hazards from work, implement measures to prevent or control exposure to these hazards, and keep these under review.

The risk assessment(s) as specified may be/is/are no-longer valid for the reasons given, and should therefore be reviewed, in consultation with the safety reps (as indicated below).

Task(s), area(s) of work, job(s), or hazard(s):

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Description of problem/hazard/risks:

● The assessment was last reviewed more than a year ago (give date):

● The risk assessor was not able to conduct a suitable and sufficient risk assessment/s because they did not:

- Have enough training
- Have enough time
- Have enough relevant information or knowledge
- Consult with staff and safety reps

● An accident, near-miss, or ill-health incident has occurred (give details):

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● The following control measures are not working/being used (give details):

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● There has been a significant change in the matter it relates to (give details):

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● Other reason(s) (give details):

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Name(s) and signature(s) of safety rep(s):

..... Date:

..... Date:

Management reply (including action taken with date or reasons why action not taken):

.....

.....

.....

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Name and signature of manager:

..... Date:

