




NEBOSH day 1 – Foundations in  
health and safety

# Foundations in health and safety

- **Housekeeping**
  - **Ground rules**
  - **Getting to know each other**
  - **What is Nebosh / expectations**
  - **Commence the programme**
- 

# Foundations in health and safety

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# Foundations in health and safety

NGC1 – Management of Health and Safety

*45 pass mark*

GC2 NCC1 – Controlling workplace hazards

*45 pass mark*

GC3/NCC2 – Health and safety practical  
application

*60 pass mark*

## Foundations in health and safety

# Pass Rates



# Foundations in health and safety

## Achievement Options

1

- Distinction

2

- Credit

3

- Pass

# Foundations in health and safety

1

- Distinction

Overall combined  
score of greater than  
210

# Foundations in health and safety

2

- Credit

Score between 170 -  
209



# Foundations in health and safety

3

• Pass

Score between 150 -  
169

# Foundations in health and safety

?

- Referral

Less than 45 on each written paper and less than 60 on the practical

# Foundations in health and safety

## Options

	General	Construction	Fire / Risk
NGC1	X	X	X
GC2	X		
NGC3	X		

# **Nebosh – basic definitions**

## **Health**

**The protection of the bodies and minds of people from illness resulting from the materials, procedures or processes used in the workplace**

# **Nebosh – basic definitions**

## **Safety**

**The protection of people from physical injury.**

**The borderline between health and safety is ill defined and the two words are often used together to indicate the concern for the physical and mental well-being of the individual at the place of work.**

# **Nebosh – basic definitions**

## **Welfare**

**The provision of facilities to maintain the health and well-being of individuals within the workplace. Welfare includes washing and sanitation arrangements, the provision of drinking water, heating lighting, accommodation for clothing, seating (when required by the activity) eating and rest rooms. First aid arrangements are also considered as welfare facilities**

# **Nebosh – basic definitions**

## **Occupational ill health**

**Illnesses or physical and mental disorders  
that are caused or triggered by workplace  
activities**

# **Nebosh – basic definitions**

## **Accident**

**“Any unplanned event that results in injury or ill health of people or damage or loss to property , plant, materials or the environment or a loss of a business opportunity”**



# **Nebosh – basic definitions**

## **Near miss**

**Any incident that could have resulted in an accident. Knowledge of near misses is very important since research has shown that for every 10 “near misses” at a particular location a minor incident will occur**

# **Nebosh – basic definitions**

## **Dangerous occurrence**

**An accident not resulting in personal injury reportable to the enforcing authority.**

**Dangerous occurrences are defined in RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) and are reportable.**

# Foundations in health and safety

Safety	Health
<ul style="list-style-type: none"><li>• Height</li><li>• Machinery</li><li>• Excavations</li><li>• Drowning</li><li>• Electrocution</li><li>• Fire / Explosion</li><li>• Gas / lack of O<sup>2</sup></li><li>• Vehicles</li><li>• Cranes incidents</li><li>• Animals</li><li>• Falling objects</li><li>• Attack</li></ul>	<ul style="list-style-type: none"><li>• Silica exposure</li><li>• Coal</li><li>• Asbestos</li><li>• Heavy metals</li><li>• Wood dust</li><li>• Carbon Fibre</li><li>• Soldering flux</li><li>• Glass fibre</li><li>• Welding fumes</li><li>• Paints</li><li>• Biological hazards</li><li>• Voc's (Volatile organic compound)</li></ul>

# Foundations in health and safety

## The three H&S Imperatives



- Moral

- Commercial / Financial

- Legal

## **Moral Reasons**

- Hundreds die whilst at work per annum
- Thousands still dying prematurely due to long term effects associated with work
- Thousands injured at work per annum

## Commercial / Financial Reasons

### Direct costs to a business

#### Insured Costs

- Claims on employers and public liability insurance;
- Damage to buildings, equipment or vehicles;
- Any attributable production and/or general business loss;
- The absence of employees.

#### Uninsured costs

- Fines resulting from prosecution by the enforcement authority;
- Sick pay;
- Some damage to product, equipment, vehicles or process not directly attributable to the accident (e.g. caused by replacement staff);
- Increases in insurance premiums resulting from the accident;
- Any compensation not covered by the insurance policy due to an excess agreed between the employer and the insurance company;
- Legal representation following any compensation claim.

### Indirect costs to a business

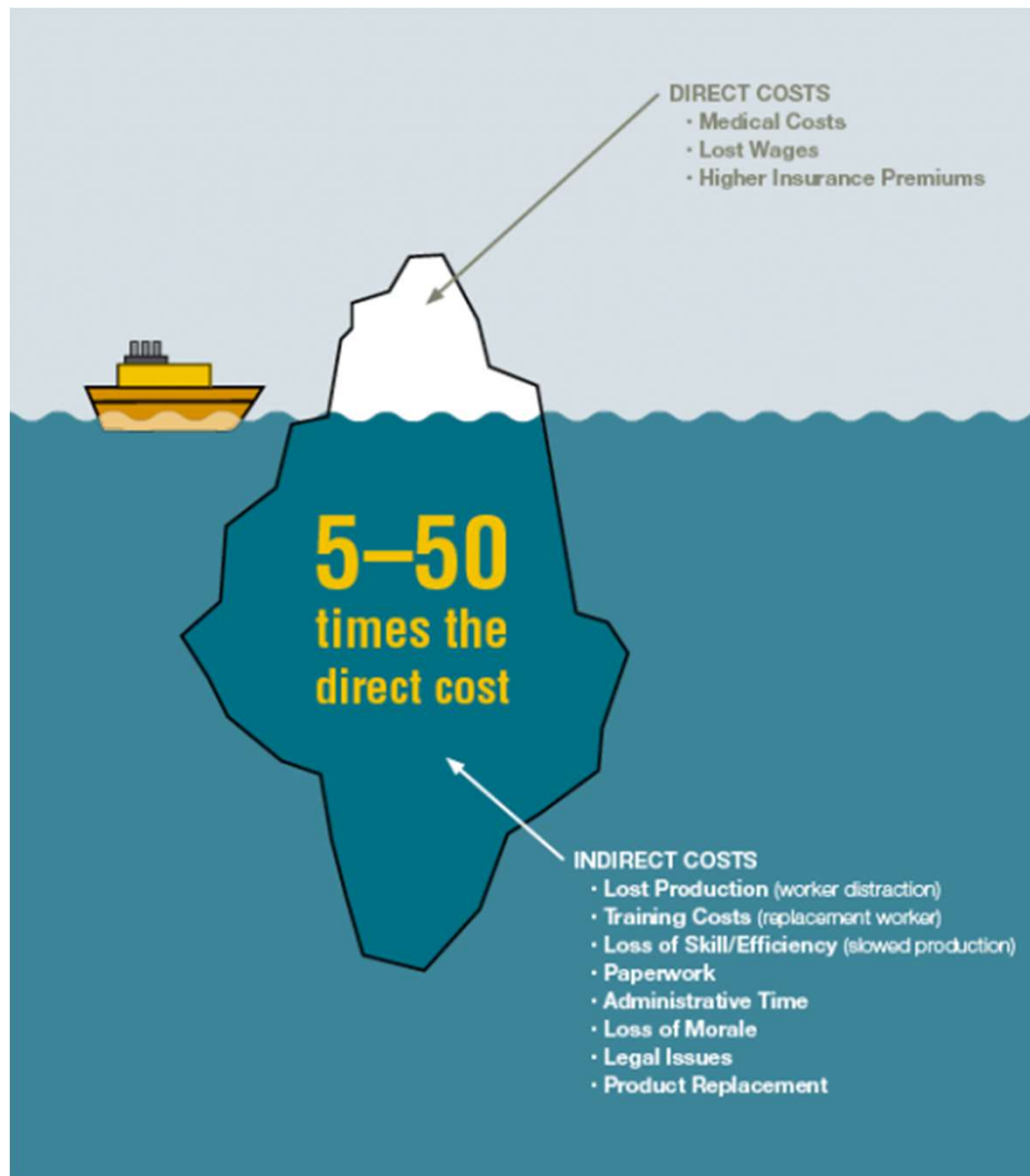
#### Insured Costs

- A cumulative business loss;
- Product or process liability claims;
- Recruitment of replacement staff.

#### Uninsured costs

- loss of goodwill and a poor corporate image;
- Accident investigation time and any subsequent remedial action required;
- Production delays;
- Extra overtime payments;
- Lost time for other employees, such as a first aider, who tend to the needs of the injured person;
- The recruitment and training of replacement staff;
- Additional administration time incurred;
- First-aid provision and training;
- Lower employee morale possibly leading to reduced productivity.

# Foundations in health and safety



# Foundations in health and safety

## *Legal Reasons*

The 3 C's of law

- Criminal
- Civil
- Common





# Foundations in health and safety

## *Criminal law*

- Statutory law ( Written laws of the land)
- Created by parliament (Act)
- Purpose is to protect the state
- State Vs. Individual
- Prosecutions brought by enforcing authority (HSE, local auth)
- Burden of proof = Beyond all reasonable doubt (99%)
- Guilty party is punished as a result of a breach (Fine, Imprisonment, remedial actions)
- Non insurable
- Minor offence – Summary offence tried in Magistrates court
- Major offence – Indictable offence tried in Crown or High court
- Time to bring a case 6 months / unlimited

# Foundations in health and safety

## *Criminal law – Employers' liability compulsory insurance*

The Employers' Liability (Compulsory Insurance) Act makes it a legal requirement for all employers to have employers' liability insurance.

This ensures that any employee, who successfully sues his/her employer following an accident, is assured of receiving compensation irrespective of the financial position of the employer.

There is a maximum penalty of up to **£2,500** for every day without appropriate cover for employers who do not have such insurance.

# Foundations in health and safety

## Civil law

- Disputes between individuals (Ind Vs. Ind)
- Individuals sue other Individuals
- Attempt to obtain compensation or recompense following a civil wrong (tort) (tort of negligence)
- Burden of proof = On the balance of probabilities (51%)
- Can be insured against (employers liability insurance)
- Small claims court – up to £5,000
- County court – up to £50,000
- High court – £50,000+
- Time to bring a case 3 years from discovery of harm

# Foundations in health and safety

## Common law

- In the 11<sup>th</sup> century William I standardized law so that it became “common” across the UK to negate the confusion of laws being different in each locality
- Source of both Civil and criminal law
- Principles derived from judgements are written down are known as **Case law**
- Binding ***Precedents*** are decisions made in a higher court that are binding on all lower courts.
- Deviations from precedence can be made but require justification.

In health and safety, the legal definition of ***negligence***, ***duty of care*** and terms such as ‘***practicable***’ and ‘***as far as is reasonably practicable***’ are all based on legal judgements and form part of the common law.

# Foundations in health and safety

## Civil law terminology

### ➤ Tort

**A civil wrong – a wrongful act by one person which gives right to the injured party to sue for a legal remedy**



# Foundations in health and safety

## Civil law terminology

### ➤ Negligence

**Negligence is the lack of reasonable care or conduct which falls below what a reasonable person would do to protect another person from foreseeable risk of harm.**

**i.e. Failure in a duty of care which has resulted in injury harm or loss**

# Foundations in health and safety

## Civil law terminology

➤ How to prove negligence – for an employee suing his employer he must prove:

1. *A duty was owed to the employee* by the employer and the incident took place during the course of his/her employment.
2. There was a *breach of that duty* because the event was foreseeable and all reasonable precautions had not been taken.
3. The breach resulted in the *specific injury, disease, damage and/or loss suffered*.

# **Foundations in health and safety**

## **Sources of law**

### **➤ Vicarious Liability (civil law)**

**Employers are liable for the acts or omissions of their employees providing the employee was acting in the course of their employment**



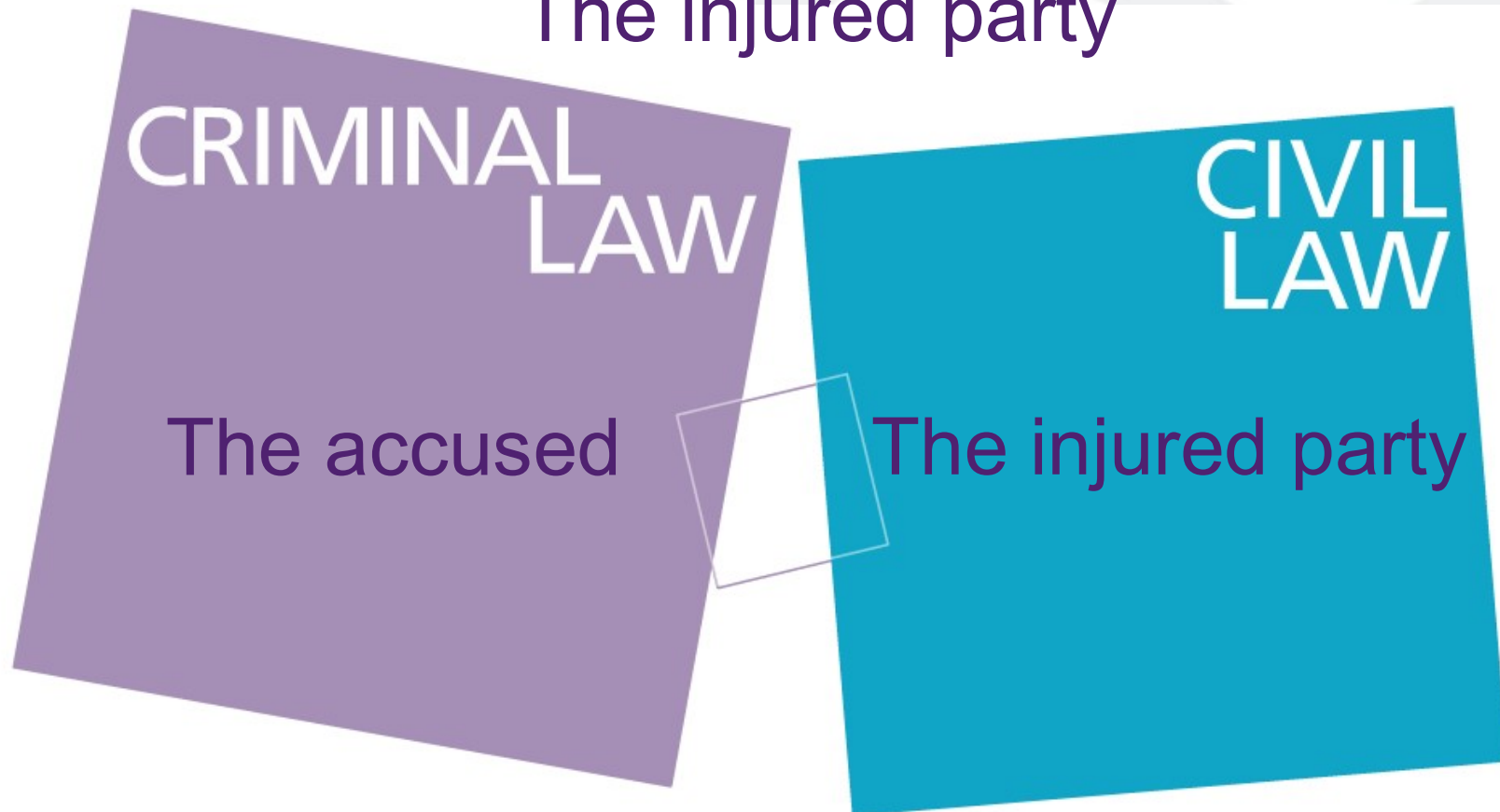
# Law Quiz



# 1. Who does the court case focus on?

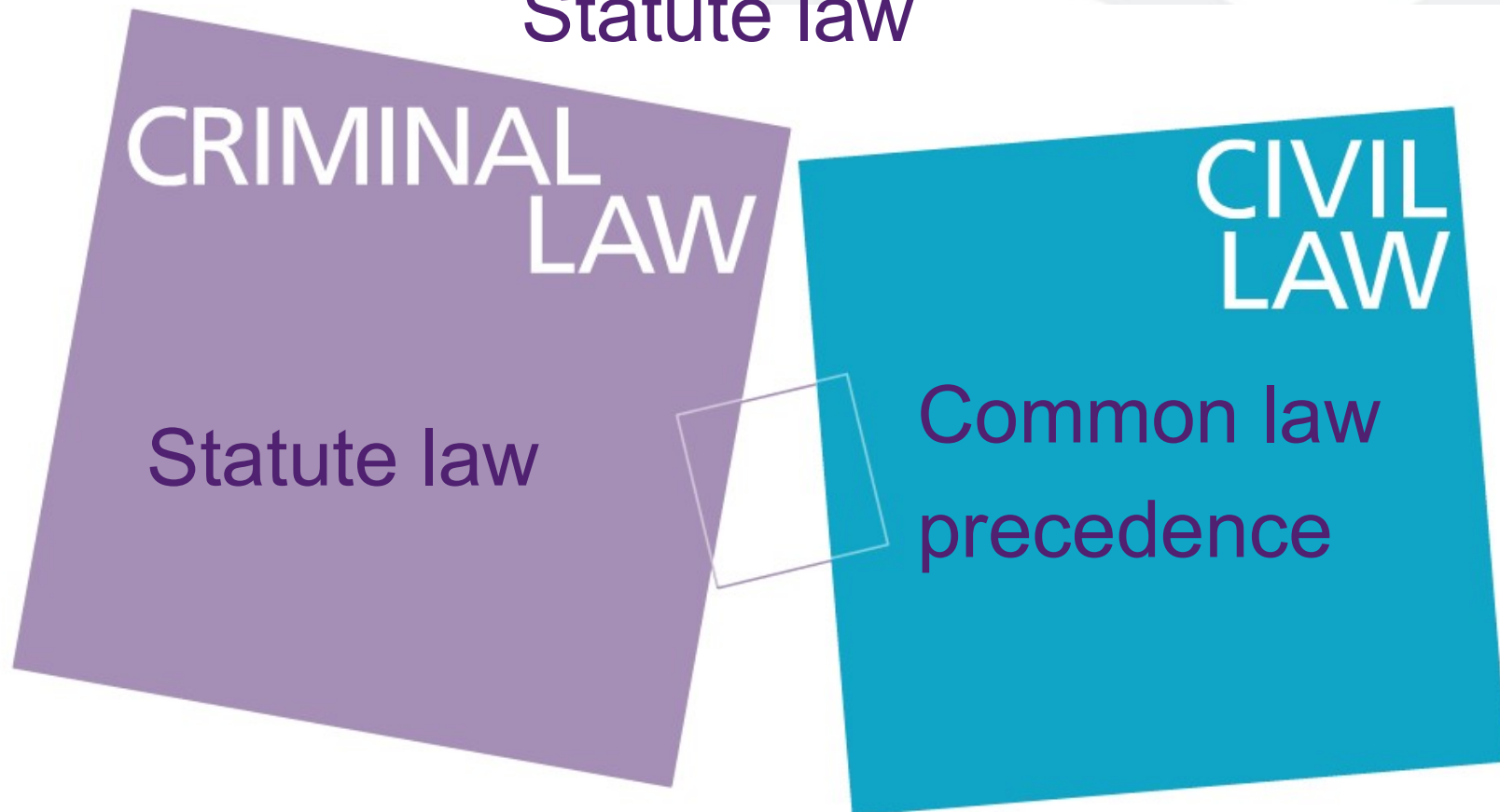
The accused

The injured party



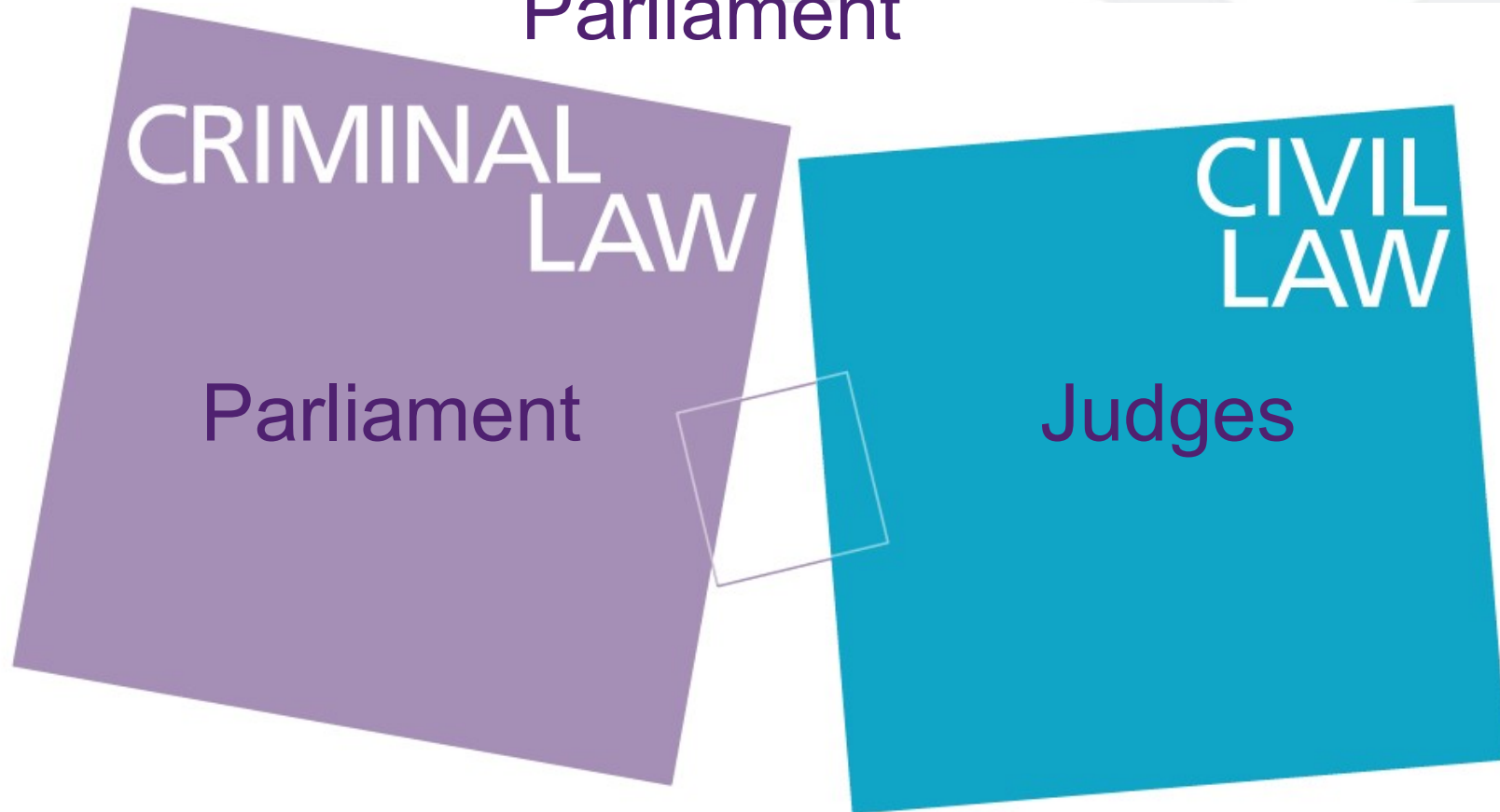
## 2. What is the main source of this type of law?

Common law precedence  
Statute law



### 3. Who makes this kind of law?

Judges  
Parliament



## 4. Who initiates legal proceedings?

HSE or Local Authority  
Anyone affected



## 5. What is the most likely outcome for this case?

Compensation pay-outs  
Imprisonment, fines and/or  
remedial orders

CRIMINAL  
LAW

Imprisonment,  
fines and/or  
remedial orders

CIVIL  
LAW

Compensation  
pay-outs

## 6. Who is responsible for proving the case (burden of proof)?

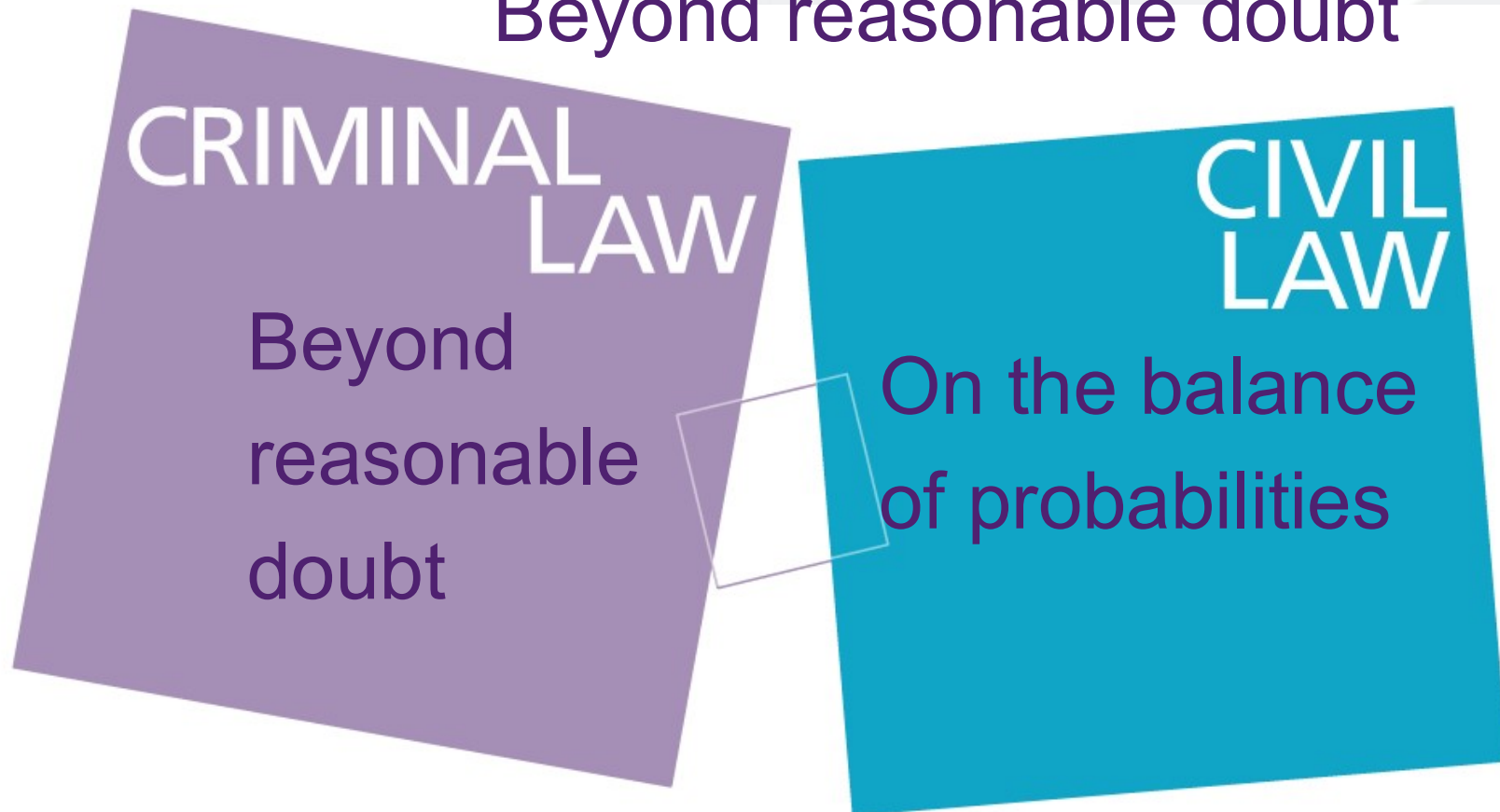
The State

The claimant



## 7. What is the standard of proof required?

On the balance of probabilities  
Beyond reasonable doubt





## 8. Normally, how soon must legal action start?

Three years

Six months

CRIMINAL  
LAW

Six months

(but can be extended)

CIVIL  
LAW

Three years

(but courts have  
discretion to extend)

9. What are the main parts of the law that apply? HASWA 1974...

Duty of care...

## CRIMINAL LAW

Health and Safety at  
Work etc Act  
1974 and associated  
regulations

## CIVIL LAW

Duty of care,  
negligence,  
and breach of  
statutory duty



# **Foundations in health and safety**

## **Homework task**

- 1. What are the possible defense's against a claim of negligence**
- 2. Research the 4 common law duties of care placed on an employer**
- 3. What happens if there is a conflict between common and statute law?**