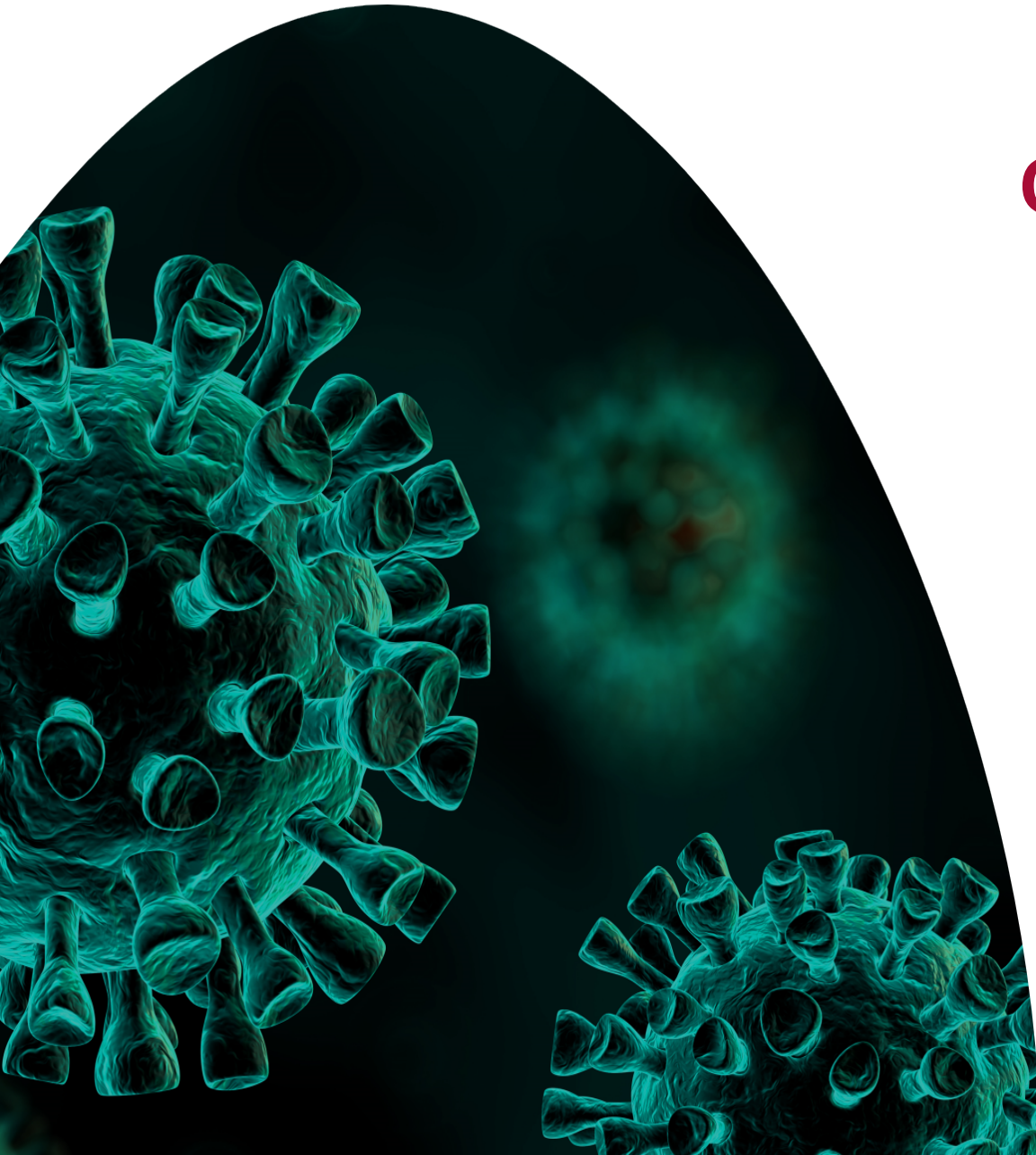




COVID-19: Health and safety in the workplace

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Introduction

- The legal framework
 - Employers' health and safety obligations
- The implications of COVID-19
 - Risk assessment
 - Control measures
 - Personal Protective Equipment
 - RIDDOR reporting
- COVID-19: Guidance and manufacturing considerations



Health & Safety Obligations: The legal framework

- Employers' health and safety obligations are provided by:
 - The Health and Safety at Work (NI) Order 1978; and
 - Associated regulations, including:
 - The Management of Health and Safety at Work Regulations (Northern Ireland) 2000;
 - The Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993;
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997
 - The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993



Health & Safety Obligations: The legal framework

- The overarching obligations:

Employers “*must ensure, **so far as is reasonably practicable**, the health, safety and welfare at work of all his employees*” and those who may be affected by the works.

- Specific obligations include:
 - Risk assessment
 - Provision of PPE
 - Appropriate welfare facilities
 - Keeping the workplace sufficiently clean
 - Consultation with employees
 - RIDDOR reporting



The Coronavirus Legislation

- **The Coronavirus Act 2020** ("the Act") came into effect on 25 March 2020 giving the UK Government the power to strengthen essential services during the Covid-19 crisis.
- The Act gives the Government the power to close down working premises when it considers guidance is not being adhered to.
- **The Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020** ("the Coronavirus Regulations") came into force on Saturday 28 March 2020, bringing NI in line with the rest of the UK.
- The Regulations are in force for 6 months from commencement and will be reviewed by the Department of Health at least once every 21 days. They will be next reviewed on 9 May 2020.



The Coronavirus Legislation

- Key Regulations:
 - Certain listed businesses were ordered to close – EG) restaurants and bars, hairdressers and beauticians, gyms, libraries and shops selling non-essential goods
 - Certain listed businesses which provide food for consumption on their premises must:
 - close any parts of the premises, in which food and drink are sold for consumption on the premises; and
 - cease selling food or drink for consumption on its premises.
 - Businesses offering goods for sale or hire in shops which are not listed as providing essential services must only operate via online orders, phone or postal orders. They must physically close their premises to the public.



How does COVID-19 impact health and safety obligations?

- The legal framework providing for health and safety obligations has not changed but **COVID-19 will impact the existing obligations:**
 1. Employers must do everything **reasonably practicable** to ensure that people working in or visiting your premises are not exposed to risks to their health (**which includes exposure to COVID-19**); and
 2. Employers which have control of premises **must take measures** to ensure, so far as is reasonably practicable, that the premises, all means of access to and egress from the premises, other common parts and any plant (e.g. lifts or escalators) within the premises are without risks to health (**including risks posed by COVID-19**)



Risk Assessment – what is reasonable practicable?

- What is considered as **reasonably practicable** depends on the risk to health and safety weighed against the cost of control measures (measured in terms of money, time and resources) involved in eliminating the risk.
- To consider what is reasonably possible – Risk Assessment is imperative!
- The greater the risk, the more the duty holder is expected to do to address it.
- The risk of infection of coronavirus following exposure appears to be high.
- The context of a global pandemic has an impact on available control measures - significant restrictions on materials, equipment and PPE
- ❖ Top tip: Risk assessments should be continuous and record what is reasonable practicable and what is not



COVID-19: Control Measures

- Control measures should be specific to risk assessment results but examples to reduce the risk of coronavirus include:
 - Issuing employees with information and advice in relation to the virus, the symptoms and minimising risk;
 - Physical demarcation of premises to ensure social distancing on site;
 - Providing hand sanitisers, tissues and handwashing facilities;
 - Signage reminders of good hygiene and handwashing practices;
 - Introducing a reporting procedure for employees with symptoms or self-isolating;
 - PPE where appropriate (gloves, aprons, masks, visors etc);
 - Enhanced cleaning regimes;
 - Review of welfare facilities and arrangements;
 - Staggering of shifts, lunch breaks etc.
- ❖ Top tips: Record keeping, supervision and monitoring!



COVID-19: PPE

- A control measure of last resort
- Employer should consider whether there are ways other than using PPE to adequately control the risk.
- If not, key considerations when using PPE include:
 - Ensure that suitable PPE is provided;
 - Ensure that PPE offers adequate protection for the intended use;
 - Ensure that those using PPE are adequately trained in its safe use;
 - Ensure the PPE is properly maintained and any defects are reported; and
 - PPE is returned to its proper storage (cleaned or disposed of) after use.



COVID-19: RIDDOR reporting

- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997, places a legal duty on employers, self-employed people and people in control of premises to report:
 - work-related deaths
 - major injuries or over-three-day injuries
 - work related diseases
 - dangerous occurrences (near miss accidents)
- The government has added Covid-19 to the list of notifiable causative agents under the Health Protection (Notification) Regulations 2010.

Q. What does this mean for RIDDOR reporting during COVID-19?



COVID-19: RIDDOR reporting

There are three potentially relevant obligations:

1. The requirement to report any dangerous occurrences, which includes any accident or incident which results or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness – IE An unintended incident at work has led (or could lead) to someone's possible or actual exposure to coronavirus;
2. The requirement to report a diagnosis of any disease attributed to an occupational exposure to a biological agent – IE A worker has been diagnosed as having COVID 19 and there is reasonable evidence that it was caused by exposure at work;
3. The requirement to report work-related fatalities which result from exposure to Covid-19 – IE If a worker dies as a result of exposure to coronavirus from their work



Guidance from the Executive

- Initial guidance from the Executive – key messages:
 - Anyone who can work from home must work from home;
 - health and safety obligations on employers to ensure as much as reasonably practicable the health, safety and wellbeing of employees during the COVID-19 emergency.
- On 22 April, the Minister for the Department of the Economy published further guidance and a list of Priority Sectors to clarify what constitutes a priority sector at this time - to allow companies to make their own decisions as to whether they continue to operate.
- The key message is that if a company can work within the social distancing guidelines then it should do so but adherence to social distancing guidance is mandatory → judgment call!



HSENI Guidance and Enforcement

- The HSENI has published guidance for businesses which is accessible on the HSENI website
 - It has recently reported a 900% increase in complaints and queries stemming from COVID-19
 - HSENI inspectors are contacting businesses in response to concerns to ensure that measures are put in place to maintain social distancing and minimise the risks associated with COVID-19 and requiring employers to provide evidence of the measures being taken.
 - The HSENI has stated that it is imperative that policies and procedures implemented are “strictly monitored by management.”
 - The HSENI has the power to issue enforcement notices if it considers employers are not taking appropriate measures
- ❖ Top tip: evidence of monitoring and supervision is critical to demonstrating compliance with health and safety obligations!



Manufacturing Considerations

- Consultation with Employees (and trade unions)
 - Information and training
 - Reporting procedures
 - Safeguarding employees' mental and physical health
- Travel to and from site
 - Consider means of transport, car parks and access points
- Movement of personnel between sites
 - Should be restricted
- Administration staff
 - If they can work from home they should



Manufacturing Considerations

- External parties (visitors, contractors)
 - Should be restricted
 - Induction as to social distancing measures should be given
- Social distancing measures on site
 - physical demarcation and barriers and one way systems
 - Monitoring and supervision
- Signage
 - encouraging handwashing and social-distancing
 - Access signs – those with symptoms should not enter



Manufacturing Considerations

- Welfare facilities
 - Consider configuration of common areas, toilets, handwashing stations and changing areas
 - Social distancing measures
- Cleaning regimes
 - Should be enhanced especially common areas and frequent touch points
 - Keep records
- Canteens
 - Must cease selling food for consumption on premises
 - Consider alternatives – takeaway/packed lunches



Manufacturing Considerations

- Operational procedures
 - Should consider each and every procedure on site
 - May require reconfiguration of production lines
 - May require staff rotations/stagger shifts and breaks
- Maintenance procedures
 - Consider when and how this occurs
 - May require modification of regimes
- Distribution and delivery procedures
 - Should consider means of deliver
 - contactless delivery where possible



Manufacturing Considerations

- Management procedures
 - Meetings should take place remotely
 - Restrict non-essential travel
- Supply chain continuity
 - Consider supply chain pressure
 - Consider continuity plans
- Client engagement
 - Manage client expectation
- Repurposing of production to support fight against virus
 - Health and safety implications



Useful links

- <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19>
- <https://www.nibusinessinfo.co.uk/sites/default/files/Covid-19-Working-Through-This-Together.pdf>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879221/Coronavirus_COVID-19_-_personal_protective_equipment_PPE_plan.pdf
- <https://www.hseni.gov.uk/articles/covid-19-frequently-asked-health-and-safety-questions>
- <http://nifda.co.uk/wp-content/uploads/2020/03/NIFDA-Good-Manufacturing-Practice-Covid-19.pdf>
- <http://www.brc.org.uk/media/674414/brc-warehouse-and-distribution-implementation-practices-v3.pdf>
- <https://www.pinsentmasons.com/out-law/guides/coronavirus-uk-health-safety>



Any Questions



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