

Introduction

Employers have a legal duty under Regulation 3 of the Management of Health and Safety at Work Regulations (MHSW) 1999 to carry out a Risk Assessment to control the risks. The Risk Assessment has to be 'suitable and sufficient', carried out by a competent person in consultation with union safety reps or workers representatives, it is how employers evaluate the risk and put effective controls in place to eliminate or reduce the risk and manage the work process so it is safe.

MHSW Regulation 4 requires the employer to control hazards at source, according to the list of priorities set out in Schedule 1 to the Regulations. A risk assessment must be carried out by a 'competent person' (MHSW regulation 7).

There has been additional guidance issued because of Covid-19.

Risk assessments should identify all potential hazards, the likelihood of harm evaluated and should identify who is at risk of harm.

Risk assessments should take a precautionary and collective approach to controlling the risks, this means they should encompass all the risks of the work/workplace to make it safe for all workers. However, there may be a requirement to mitigate against additional individual risks, but this should be in exceptional circumstances i.e. pregnancy or other rare health conditions.

HSE

HSE say in their document urging business to become Covid secure https://press.hse.gov.uk/2020/07/02/hse-urges-businesses-to-become-covid-secure/?utm_source=twitter&utm_medium=social&utm_campaign=coronavirus&utm_term=pressrelease&utm_content=inspections there are five steps that businesses can take to do that:

Make sure you read all the guides relevant to your workplace. Each guide has specific actions for businesses to take based on these steps. Further guidance will be published as more businesses are able to reopen.

1. Carry out a COVID-19 risk assessment

- Before restarting work you should ensure the safety of the workplace by:
- carrying out a risk assessment in line with the HSE guidance
- consulting with your workers or trade unions
- sharing the results of the risk assessment with your workforce and on your website

2. Develop cleaning, handwashing and hygiene procedures

- You should increase the frequency of handwashing and surface cleaning by:
- encouraging people to follow the guidance on hand washing and hygiene
- providing hand sanitiser around the workplace, in addition to washrooms
- frequently cleaning and disinfecting objects and surfaces that are touched regularly
- enhancing cleaning for busy areas
- setting clear use and cleaning guidance for toilets
- providing hand drying facilities – either paper towels or electrical dryers

3. Help people to work from home

- You should take all reasonable steps to help people work from home by:
- discussing home working arrangements
- ensuring they have the right equipment, for example remote access to work systems
- including them in all necessary communications
- looking after their physical and mental wellbeing

4. Maintain 2m social distancing, where possible

- Where possible, you should maintain 2m between people by:
- putting up signs to remind workers and visitors of social distancing guidance
- avoiding sharing workstations
- using floor tape or paint to mark areas to help people keep to a 2m distance
- arranging one-way traffic through the workplace if possible
- switching to seeing visitors by appointment only if possible

5. Where people cannot be 2m apart, manage transmission risk

- Where it's not possible for people to be 2m apart, you should do everything practical to manage the transmission risk by:
- considering whether an activity needs to continue for the business to operate
- keeping the activity time involved as short as possible
- using screens or barriers to separate people from each other
- using back-to-back or side-to-side working whenever possible
- staggering arrival and departure times
- reducing the number of people each person has contact with by using 'fixed teams or partnering

https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/5-steps-to-working-safely?utm_source=pressrelease&utm_medium=email&utm_campaign=coronavirus&utm_term=news&utm_content=national

Employers duty to assess the risks and control them

Employers have a legal duty to Risk Assess the workplace and work activities because of the risk of spread of COVID-19 and then to carry out an individual assessment if necessary where there is an increased risk of infection because of individual circumstances.

The workplace and work activities risk assessment – see <https://gmhazards.org.uk/wp-content/uploads/2020/05/How-do-we-approach-reviewing-the-Risk-Assessments-in-the-Workplace-because-of-Covid-1.pdf> for more information on reviewing risks in the workplace because of Covid-19.

Risk assessments should take a precautionary approach. Not everyone who enters your workplace can be assessed for individual risks, therefore there needs to be a precautionary level of control. i.e. strict adherence to the 2 m physical distancing, good signage displayed to instruct and prevent infection, cleaning stations with adequate supplies, clear instructions, redesign of entrances and exits to provide free movement and distancing. **Employers need to make the workplace safe for everyone who enters it.** If there is residual risk then use of PPE to ensure protection from the risk.

MHSW Regulation indicates that all risk assessments should include assessment of higher risks to anyone who is:

Disabled
Young
Pregnant or of child bearing age

Employers should ensure that the RA takes a collective view to all the risks and it is good practise to take a precautionary approach to all risks. However, **employers also need to consider additional factors** with Covid-19 which has increased the risk of infection and severity for some individuals:

Black, Asian and minority ethnic staff

Emerging evidence shows that black, Asian and minority ethnic (BAME) communities are disproportionately affected by COVID-19. This concerning evidence suggests that the impact may also be higher among men and those in the higher age brackets. The reasons for this are not yet fully understood, but the health inequalities present for BAME communities have long been recognised and must be taken into account in risk assessments. A black man is four times more likely to die from Covid-19 than a white man.

Age

There is evidence that COVID-19 has a greater impact in older age groups. Therefore, older staff may be more at risk as a result of increased age and likelihood of long-term health conditions. Employers will need to consider this and take into account government advice on vulnerable workers and shielding. All new staff should be encouraged to disclose any medical condition that might compromise their health.

Disability and Underlying Health Conditions

Disabled staff are likely to manage their disability through the application of reasonable adjustments. Some of these adjustments will be formally agreed and some informally adopted by staff to suit their own circumstances. It is likely the current situation of the COVID-19 pandemic will bring further challenges for disabled people at work.

Some disabled staff members may have a weak immune system, leaving them more vulnerable to getting an infection. There may be issues associated with personal protective equipment (PPE) and those with a mental health condition may feel increased levels of anxiety and stress.

Sex

There is emerging evidence to suggest that COVID-19 may impact more on men than women, so employers may need to review the approach they have taken in relation to risk assessment. In certain jobs young women have been identified as at more risk, though this may be because of ill fitting PPE. Men in all age groups more likely to die from Covid-19.

Pregnancy

Pregnant women at whatever stage of pregnancy are classed as at risk. The Royal College of Obstetricians and Gynaecologists, Royal College of Midwives and Faculty of Occupational Medicine have developed specific guidance for healthcare workers who are pregnant. In addition, staff who are returning from maternity leave should be assessed against government advice.

Religion or belief

The current situation will coincide with religious events, most notably Ramadan, which will require staff to fast. This may have an impact on the ability of individual members of staff to perform their role fully, especially when wearing the highest levels of PPE.

Vulnerable workers and Shielding Workers

Government advice on **vulnerable workers and shielding** should be followed and every effort made to encourage all staff to disclose any medical condition that might compromise their health. Individual risk assessments should include need for additional controls, self-isolating and flexible and alternative

Assessing the Additional Risks to Individuals

Any individual RA must be carried out in the **strictest confidence** and any information disclosed must be collected sensitively. It would be good practice for any health discussions to take place with a medical person such as from Occupational Health Departments and not line managers.

As a first step, employers should allow any worker to **remain at home working** where it is possible. If there is a need for an individual with additional risks to return to the workplace, this may mean changing job roles (with all the support, training and equipment) either temporarily or permanently or changing the way the job is done to allow the person to remain at home.

Alternatively, for some workers who are more **vulnerable it may mean changing working hours or days, flexible working, start and end times**. **Providing PPE**, enhancing the standard of PPE along with fitting, maintenance, training in its use.

For some workers, the issue could be they are **living with someone who is more vulnerable** to the infection and therefore they may also need to consider different ways of working or changing jobs temporarily or permanently.

Follow the usual risk assessment 5 steps to risk assessment model:

- [Identify hazards](#)
- [Assess the risks](#)
- [Control the risks](#)
- [Record your findings](#)
- [Review the controls](#)

<https://www.hse.gov.uk/simple-health-safety/risk/steps-needed-to-manage-risk.htm>

This information must be treated with the **highest confidentiality**.

Risk Assessment for vulnerable workers (Covid-19)	
Name	
Sex	
Age	
Ethnicity	
Department	
Job Role	
Location	
Other jobs	
Do you live with anyone who is vulnerable to infection?	
How do you travel to and from work?	
Do you have a condition or have had a condition that makes you more vulnerable to infection or serious complications if you become infected by Covid-19?	
Consider the list below and indicate whether you have an additional risk factor to the disease, based on the list of conditions	
You are at a higher risk if you are, have had or have been diagnosed with:	
Pregnant	

Have a BMI > 30 = Weight (kgs) / Height (m) squared	
Cancer – specific	Undergoing active chemotherapy or radical radiotherapy
	Lung cancer, cancer of blood or bone marrow cancer
	Targeted cancer treatments which affect the immune system
	Bone marrow or stem cell transplant in last 6 months
Solid organ transplant recipient	
Respiratory conditions including Cystic fibrosis, severe asthma and severe COPD - Chronic Obstructive Pulmonary Disease	
Rare diseases and inborn errors of metabolism such as SCID,- Severe Combined Immunodeficiency, or sickle cell disease	
Immunosuppression therapies which significantly increase risk of infection	
Severe single organ disease such as Liver, Heart, Kidney, Brain and nervous system	
High Blood pressure on medication	
Type 2 Diabetes	
Angina, Heart attack or Stroke	
Any other condition that makes you vulnerable to infection that hasn't been identified above	

If the individual is identified as being at higher risk than other workers, use the Control Hierarchy approach below, to determine how the risks of the work to that worker are going to be controlled:

Take each of the steps in order to ensure a precautionary approach to the control of risk:

1. Eliminate the risk by (individual shielding, working from home or moved to another role)
2. Substitute the risk by (individual moved to another department)
3. Isolate the individual from the risk (increase social distancing, cleaning, changing working days, hours)
4. Implement Engineering or administrative controls (i.e. put up Perspex screens, signage, walkways, staggered hours, flexible working)
5. For any residual risk PPE – does the individual need PPE or increased standard of PPE?

What controls will be implemented?

Who is responsible for communicating the risk assessment outcomes with the individual?

Who has carried out the risk assessment?

When will it be reviewed?