

## RISK ASSESSING

### DYNAMIC RISK ASSESSING



#### BUILDER INCARCERATED FOR EXPOSING EMPLOYEES TO ASBESTOS

The owner of a building firm was given a 26-week custodial sentence for a breach of regulation 8(1) of the Control of Asbestos Regulations 2012, for undertaking work with asbestos without a Licence. The company was engaged to remove asbestos from a commercial unit on an industrial estate in Colwyn Bay. Unfortunately they removed asbestos insulating board (AIB) from the unit, despite not holding a licence to work with this material. The HSE was alerted to the unlicensed work by a licensed contractor. The owner and three men working with him were exposed to potentially deadly asbestos fibres. Those involved now have to live with the fear of becoming ill with a life-threatening lung disease.

First we can focus on the better known elements of risk assessing; what are the hazards or potential for harm associated with a task, and what is the likelihood that the harm will occur. Both of those elements are assigned a score, typically between 1 and 5 and then multiplied to give an overall risk score.



The risk score is then checked against a predetermined set of values on whether the risk is level of risk acceptable, for instance anything 18-25 is unacceptable, 8 to 17 proceed with extra caution, and below 8 the risk is acceptable. So far it is a fairly scientific process, typically done in an office in the cold light of day. Issues arise in the application of the 'office written' Risk Assessment in the real world, and individuals apply their

subjectivity and emotions to a perceived risk.

The trouble is that, if there is a perceived benefit, people are likely to play down the risk, further, in the mind they rationalise and believe they take control of the risk by adding their own qualifications, for instance even though we are still distracted from the main task of driving, we tell ourselves we can use our mobile whilst driving, particularly if we only use it when on the dual carriageway or a long stretch of road.

On site when faced with slavishly sticking to an office produced risk assessment and getting the job done (and fee earned), there is a real potential for individuals to skew the risk perception to get the job done and keep their employers happy. Employers, allowing staff to use discretion in Risk Assessments, where conditions may be different on site, need to recognise this human factor and try to combat the individuals natural urge, by highlighting risk perception bias trait, incorporating it into their Health and Safety training.

#### EXPERT SERVICE



Recently we have found ourselves being called upon to give expert opinion in a variety of cases. From the more routine, analysing the conduct of surveying companies, removal companies and contractors, causing uncontrolled release of Asbestos fibres; through rent arbitrations to the less usual, accidental importing of Asbestos into the UK from suppliers based in China. Going to show that Asbestos really can cause a mixed bag of issues.

