

## Purpose of a risk assessment

### Foreword:

A risk assessment not only brings entrepreneurial advantages, but is also required by law. Consequently, it primarily brings a benefit and is secondarily the fulfilment of the legal duty.

A recent survey by the Federal Institute for Occupational Safety and Health (BAuA) showed that only 38 percent of the small and medium-sized companies surveyed carried out a risk assessment. Moreover, it is decisive for success, especially in smaller companies.

Risk assessments have proven to be a central prevention instrument in modern occupational health and safety. With their help, vulnerabilities in the company, preferably at the interface between man and technology, can be detected more easily. In addition to normal operation, particular attention should be paid to maintenance work and fault rectification. A shortage of labour often hurts smaller companies in particular financially. Nevertheless, some simply do not know about the obligation to carry out a risk assessment and consequently do not do so, or do so only inadequately.

In concrete terms, every employer must check and evaluate the working conditions for risks before starting work and at regular intervals. Furthermore, he is obliged to document the results of the respective risk assessment, the determination of the necessary occupational health and safety measures and their implementation as well as their examination for success accordingly (§ 6 of the Occupational Health and Safety Act). These regulations apply to every company, regardless of the number of employees.

### 1. Legal requirements

- §§ 5, 6 Labour Protection Act (ArbSchG)
- § 3 Ordinance on Industrial Safety and Health (BetrSichV)
- § 6 Hazardous Substances Ordinance (GefStoffV)
- Technical rules for workplaces ASR V3 "Risk assessment"
- §3 DGUV Regulation 1 - Principles of Prevention
- §§ 89, 90 Works Constitution Act

### 2. sense and purpose

The purpose of a risk assessment is to determine the hazards to which employees are exposed in the workplace. Since the occupational health and safety of all employees must be ensured, appropriate protective measures must be taken in order to keep the remaining risk as low as possible or to avoid it in the future.

The following occupational health and safety measures must be implemented:

- Avoidance of hazards at the workplace in accordance with the state of the art, occupational medicine and the Hygiene;
- Provision of information for employees (operating instructions)
- Provision of training for employees;
- Introduction of the organisation and methods for implementing the necessary measures.

Often a risk assessment is also requested by companies, planners, authorities etc. from the entrepreneur. This is perfectly legitimate. According to § 8 ArbSchG "Cooperation between several contractors", the customer and the contractor are obliged to work together. Accordingly, a risk assessment is not a trade secret, but the client must inform the commissioned companies about the hazards and the occupational health and safety measures associated with the activity or instruct the executors. An existing risk assessment or one to be prepared in advance for planning (new construction/conversion) makes particular sense in terms of cost savings and planning reliability.

### 3. Who must / may / should perform it?

The risk assessment must be carried out by the employer. Whether he creates them himself, commissions reliable managers with them or makes use of the expert support of an occupational safety specialist and, if necessary, a company doctor, is up to him. However, there is no doubt that such expertise is advantageous for the overall result.

**Attention:** Even if the contractor commissions other persons to carry out the work, the liability and responsibility always remains with the contractor himself!

### 4. The structure of a risk assessment

The risk assessment shall be structured and applied in such a way that entrepreneurs:

- be able to identify the hazards arising at work and assess the associated risks and decide what action they should take, taking into account legislative requirements, to ensure the health and safety of their workers;
- assess the existing hazards and be able to select or carry out the work equipment, chemical substances or preparations used, the design of the workplace and the organisation of work accordingly;
- be able to verify whether the existing measures are sufficient;
- may give priority to certain measures where further action is required as a result of a risk assessment;
- can demonstrate to themselves, the competent authorities and workers and their representatives that all factors relevant to the work have been taken into account and that an informed and valid judgement has been made on the hazards and measures necessary to protect health and safety;
- ensure that the protective measures and working and production methods deemed necessary and implemented according to a risk assessment represent an improvement in the protection of workers.

### **Which areas does a risk assessment cover?**

In a risk assessment, every employer who provides work equipment must determine and assess the potential hazards individually in accordance with the above-mentioned legal requirements and, in a second step, define protective measures. This also includes instructing employees in the safe use of work equipment. Depending on the company, the area in which there are health risks for employees ranges from physical, biological and chemical effects to problems with workplace design, work equipment and work processes.

In particular, the investigation shall include:

- Company managers - for example foremen,
- Works councils,
- Specialists for occupational safety,
- Company doctors,
- Security,
- Employees.

## **5. Practical solutions**

Good practice solutions that have been successfully deployed at one workstation can be adapted to and used in another work environment. However, before information on good practice is implemented, an assessment of workplace hazards and risks should be carried out with reference to relevant national legislation.

Ranking of protective measures:

Collective hazard protection has fundamental priority over individual measures. But employee involvement must also be ensured. Always start at the so-called source of danger!

**S**ubstitution: Priority and permanent search for less hazardous working substances or equipment or working methods.

**T**echnical: reduce the risk as far as possible by encapsulation or additional technical measures.

**O**rganisational: only if the first two protective measures cannot be fully implemented due to technical and target-oriented reasons do organisational measures have to be taken.

**P**ersonal: Since personal protective equipment (PPE) does not eliminate the effective danger but only protects the working person from it, all other protective measures must be implemented responsibly before PPE is used.

### **Risk assessment tools:**

Checklists, guides, methods of reference, manuals, brochures, questionnaires and "interactive tools". These instruments may be generally applicable or industry- or hazard-specific.



### **Additional info:**

The amendment of the Ordinance on Industrial Safety and Health (BetrSichV), which has been in force since 01.06.15, calls for urgent action, even though plant operators have already invested a great deal in occupational safety in the past. Test obligations, test intervals and test responsibilities were partly newly regulated.

Another change concerns the consideration of areas that have proved to be accident blackspots in the past. Furthermore, other persons ("third parties") who are at risk in addition to the employees are also included. However, maintenance, operating conditions and malfunctions/manipulations must also be taken into account. Thus, irrespective of the protection objective, basically uniform requirements are binding for all work equipment and systems. The material requirements relevant to occupational health and safety have now been formulated as protection objectives (§§ 4, 5, 6, 8 and 9 of BetrSichV 2015).

All requirements apply equally to old, new and self-manufactured work equipment, so that a special grandfathering regulation is no longer necessary. The BetrSichV lays down principles for the safe use of work equipment - from simple devices and tools to machines and entire plants. Furthermore, ergonomic and psychological stress at workplaces must be reduced. In addition, for the first time administrative offences were specifically identified which could possibly be regarded as a criminal offence.