

Rheoleiddio iechyd a diogelwch yn y gwaith - Regulation of health and safety at work

Cyflwyniad

Mae hwn yn fersiwn dwyieithog o daflen HSE51, a gyhoeddwyd 07/14

This is a bi-lingual version of leaflet HSE51, published 07/14 (English text starts on page 9)

1 Rheoleiddir y gyfraith ar iechyd a diogelwch yn y gwaith ym Mhrydain Fawr gan Yr Awdurdod Gweithredol Iechyd a Diogelwch (HSE) ac awdurdodau lleol (LAs). Rhyngddynt, mae'r HSE a'r LAs yn rheoleiddio ystod amrywiol o weithgareddau gwaith a gweithleoedd sydd â gwahanol lefelau o risg ynghylch iechyd a diogelwch.

2 Mae'r prif gyfrifoldeb ar gyfer rheoli'r risgiau hyn yn gorwedd gyda'r busnes neu, ar brydiau, yr unigolyn sy'n creu'r risg. Fel rheoleiddwyr, ein rôl ni yw penderfynu bod busnesau'n rheoli eu risgiau iechyd a diogelwch i weithwyr a phobl eraill yn effeithiol ac yn gymesur.

3 Er mwyn gwneud hyn, rydym yn defnyddio ystod o ymyriadau i ddylanwadu ar, annog a chynghori busnes a, lle bo angen, rydym yn dal i gyfrif y rhai hynny sy'n methu â chwrdd â'u cyfrifoldebau. Fel rheoleiddwyr, rydym yn cynnal ein gweithgarwch rheoleiddiol yn unol ag egwyddorion rheoleiddio da (wedi'u targedu, cymesur, cyson, tryloyw ac atebol) a gyda golwg ar God y Rheoleiddwyr (www.gov.uk/government/publications/regulators-code), gan gynnwys o ran twf economaidd. Mae'r ddogfen hon yn egluro prif nodweddion ein hymagwedd reoleiddiol, gan gynnwys yr ymyriadau rydym yn eu defnyddio.

Dyrannir archwilio a gorfodi deddfau iechyd a diogelwch naill ai i'r HSE neu LAs gan Reoliadau Iechyd a Diogelwch (Awdurdod Gorfodi) 1998, yn ôl y prif weithgaredd gwaith sy'n cael ei wneud. Mae gan yr HSE rôl bolisi ganolog ynghylch rheoleiddio iechyd a diogelwch yn y gwaith ym Mhrydain Fawr. Mae hyn yn cynnwys gosod yr ymagwedd reoleiddiol seiliedig ar risg y dylid ei mabwysiadu gan LAs, a amlinellir yn y Cod Gorfodi cenedlaethol i LAs (www.hse.gov.uk/lau/national-la-code.pdf).

Prif nodweddion ein hymagwedd

Penderfynu ble i ymyrryd a dewis yr ymyriadau mwyaf priodol

4 Ar lefel uchel, mae Bwrdd yr HSE yn cymryd i gyfrif y perfformiad iechyd a diogelwch ledled Prydain Fawr. Mae'n gosod y strategaeth (www.hse.gov.uk/strategy/index.htm) sy'n arwain yr holl rai hynny sydd â rôl i'w chwarae wrth gyflenwi safonau gwell o ran perfformiad iechyd a diogelwch, gyda'r genhadaeth eithaf i atal marwolaethau, anafiadau ac afiechyd yng ngweithleoedd Prydain Fawr.

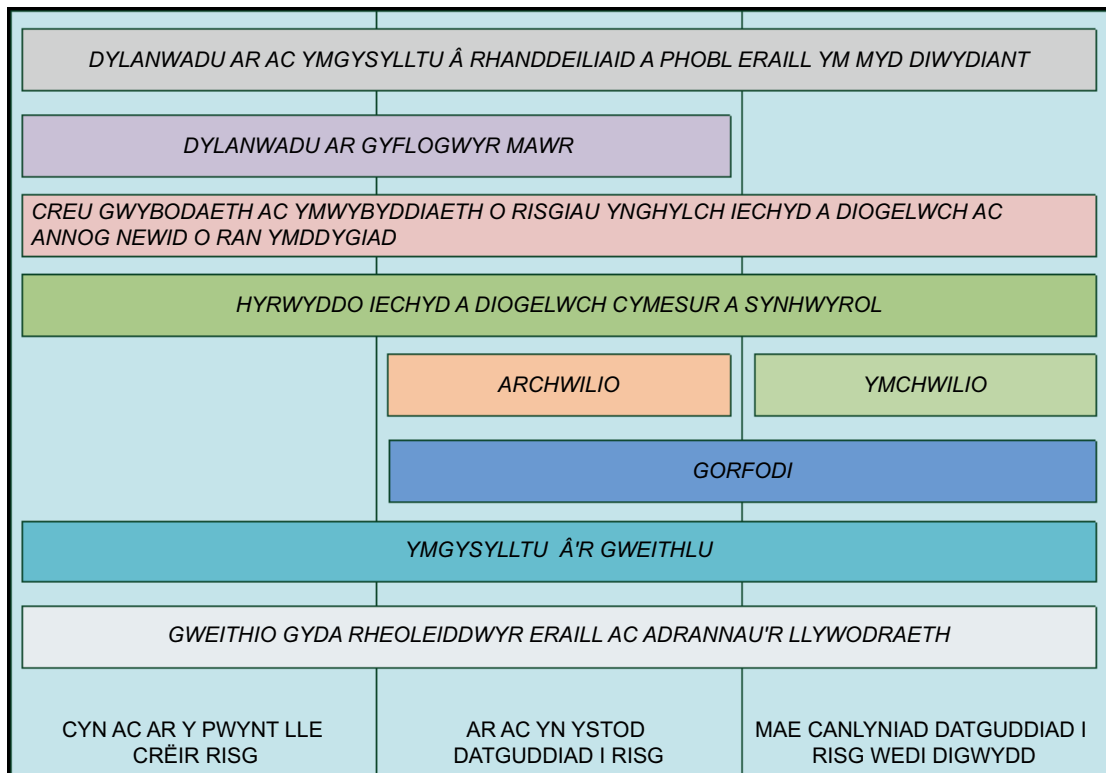
5 Rhan allweddol o roi strategaeth Bwrdd yr HSE ar waith yw datblygu strategaethau ar gyfer sectorau penodol diwydiannau (www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/index.htm). Mae'r rhain yn diffinio'r materion allweddol ynghylch iechyd a diogelwch ar gyfer y sector diwydiant hwnnw gan gymryd i gyfrif ffactorau fel maint a demograffeg y diwydiant, cyfraddau marwolaethau, anafiadau ac afiechyd a risgiau posibl yn y dyfodol.

6 Mae'r strategaethau hyn yn nodi'r hyn sydd angen ei wneud, a pham, er mwyn mynd i'r afael â'r materion allweddol ynghylch iechyd a diogelwch. Yna, rhan bwysig o'n hymagwedd reoleiddiol yw dewis a datblygu'r ymyriad(au) gorau i wella'r rheolaeth o risgiau ynghylch iechyd a diogelwch.

7 Rydym yn defnyddio ystod a chymysgedd o ymyriadau rheoleiddiol i wella'r rheolaeth o risgiau ynghylch iechyd a diogelwch. Y prif rai yw:

- dylanwadu ar ac ymgysylltu â rhanddeiliaid a phobl eraill ym myd diwydiant;
- dylanwadu ar gyflogwyr mawr;
- creu gwybodaeth ac ymwybyddiaeth o risgiau ynghylch iechyd a diogelwch ac annog newid o ran ymddygiad;
- hyrwyddo iechyd a diogelwch sy'n gymesur a synhwyrol;
- archwilio;
- ymchwilio;
- gorfodi;
- ymgysylltu â'r gweithlu;
- gweithio gyda rheoleiddwyr eraill ac adrannau'r llywodraeth.

8 Defnyddir yr ymyriadau hyn ar wahanol amseroedd gan ddibynnu ar bryd mae'r risgiau'n codi. Crynhöir hyn yn y tabl isod:



9 Mae strategaethau sector, effeithlonrwydd ac effeithiolrwydd perthynol gwahanol fathau o ymyriadau, gyda pholisïau ehangach gan y llywodraeth a'r wybodaeth sydd gennym ar berfformiad iechyd a diogelwch busnesau'n arwain ein dewis o ymyriad(au). Rydym yn cadw ein hymyriadau dan adolygiad er mwyn gwirio ein bod yn defnyddio'r ymagwedd fwyaf effeithlon ac effeithiol. Mae gweddill y ddogfen hon yn amlinellu rhai o brif nodweddion yr ymyriadau rheoleiddiol rydym yn eu defnyddio.

10 Mae sectorau diwydiant rydym yn eu diffinio fel perygl mawr¹ oherwydd bod gan fethiannau o ran rheoli iechyd a diogelwch a rheoli risg y potensial i achosi niferoedd mawr o farwolaethau, anafiadau ac afiechyd mewn digwyddiad sengl, heblaw am effeithiau hirdymor posibl ar gymdeithas, yr amgylchedd neu'r economi. Mae llawer o'r busnesau o fewn y sectorau hyn yn gweithredu dan systemau trwyddedu² a osodir gan y gyfraith, yr hyn mae'n rhaid i'n hymagwedd tuag at ymyrryd yn y diwydiannau hyn ei gymryd i gyfrif. Mae *Rheoli Diogelwch mewn Diwydiannau Perygl Mawr* (www.hse.gov.uk/hid/hid-regulatory-model.pdf) yn egluro'n fanylach sut rydym yn rheoleiddio'r diwydiannau hyn.

Dylanwadu ar ac ymgysylltu â rhanddeiliaid a phobl eraill ym myd diwydiant

11 Mae gweithio ar lefel strategol gyda diwydiannau ac eraill yn y system iechyd a diogelwch yn nodwedd allweddol o'n hymagwedd. Rydym yn gweithredu fel catalydd ar gyfer gweithredu ehangach trwy herio ac annog pobl eraill i godi ymwybyddiaeth, creu newid o ran ymddygiad a chymryd perchnogaeth ar gyfer gyrru gwelliannau ymlaen o ran safonau iechyd a diogelwch. Rydym yn defnyddio'r technegau dilynol i wneud hyn:

- Gweithio gyda chymdeithasau masnach, cyrff proffesiynol, undebau llafur, a sefydliadau eraill sy'n cynrychioli gweithwyr a rhanddeiliaid a chyfryngwyr eraill sydd â dylanwad sylweddol ar fusnesau ac a all helpu i osod a hyrwyddo safonau iechyd a diogelwch.
- Bod yn rhan o bartneriaethau amlochrog a dwyochrog gyda diwydiant, undebau llafur a sefydliadau eraill.
- Annog cynllunwyr, cyflenwyr, gwneuthurwyr cyfarpar a sefydliadau addysgol ac ati i osod safonau iechyd a diogelwch priodol ar gyfer y cynhyrchion a gwasanaethau maent yn eu darparu.

Mae'r HSE a chynrychiolwyr o'r diwydiant gwastraff ac ailgylchu, gan gynnwys cymdeithasau masnach, cymdeithasau proffesiynol, undebau llafur, sefydliadau ailgylchu a chyrrff llywodraeth genedlaethol a lleol wedi ffurfio'r fforwm Iechyd a Diogelwch y Diwydiant Gwastraff (WISH) (www.hse.gov.uk/waste/wish.htm). Mae WISH yn gweithio i gyhoeddi, hwyluso a chyflwyno gwelliannau o ran safonau iechyd a diogelwch yn y diwydiant trwy hyrwyddo arfer da, rhannu syniadau ac atebion a darparu gwybodaeth a chyfarwyddyd i gefnogi a galluogi newid o ran ymddygiad.

Mae Tim y Bartneriaeth Chwareli (www.safequarry.com/pdf/qpt-statement.pdf) yn gweithio ar y cyd er mwyn cynyddu'r ymwybyddiaeth o risgiau sy'n gysylltiedig ag anadlu llwch o fewn y diwydiant chwarela ac er mwyn hyrwyddo arferion rheoli da a mabwysiadu ymddygiadau diogel.

Mae'r Prosiect Cadwyn Gyflenwi Palmantau, Ffyrdd a Phriffyrdd yn anelu at wella'r rheolaeth o risgiau iechyd yn y gadwyn gyflenwi er mwyn lleihau afiechyd wrth adeiladu a chynnal palmantau, ffyrdd a phriffyrdd. Mae tri gweithgor yn archwilio cyfarwyddyd a hyfforddiant, goruchwylio a monitro iechyd a'r rolau cleient a chynllunydd.

1 Rheolaeth o safleoedd peryglon mawr ynghylch damweiniau (COMAH), gweithfeydd ar y môr, rhai piblinellau a'r rhwydweithiau dosbarthu nwy, safleoedd ar gyfer gweithgynhyrchu a storio ffrwydrion, pyllau, cyfleusterau cyfryngau biolegol a safleoedd perygl mawr eraill sy'n cyflwyno risg sylweddol oherwydd y sylweddau peryglus maent yn eu trafod.

2 Mae systemau y mae cychwyn neu barhau â gweithgareddau gwaith neilltuol oddi danynt yn amodol ar gymeradwyo achos diogelwch neu adroddiad diogelwch, trwydded, hysbysiad ac ati gan y rheoleiddiwr iechyd a diogelwch.

Dylanwadu ar gyflogwyr mawr

12 Trwy ddylanwadu ar gyflogwyr mawr mae gennym y potensial i wella iechyd a diogelwch yn sylweddol ar gyfer niferoedd mawr o bobl a manteisio i'r eithaf ar y defnydd effeithlon o'n hadnoddau ein hunain.

13 Un dechneg gyda chylogwyr mawr yw eu hannog i wneud gwelliannau parhaol o ran rheoli iechyd a diogelwch fel rhan o'u llywodraethu cofforaethol.

Rydym yn ymgymryd ag ymyriadau strategol ar lefel yr ystafell fwrdd gyda'r 30 cwmni adeiladu sydd â'r trosiant ariannol mwyaf. Y themâu a drafodir gydag uwch-reolwyr yw arweiniad ac ymgysylltu â gweithwyr, rheolaeth gorfforaethol o risg (gan gynnwys atal trychineb), rheoli risgiau iechyd, cynnal cymhwysedd wrth i'r diwydiant ddod allan o'r dirwasgiad a lleihau risg drwy gaffael a chynllunio.

14 Hefyd gall sefydliadau mawr gael dylanwad sylweddol ar fusnesau eraill ac rydym yn eu hannog i ddefnyddio'r dylanwad hwn i wella safonau, e.e. ymhellach i lawr y gadwyn gyflenwi trwy gynnwys amodau addas mewn contractau prynu.

Rydym wedi defnyddio ymyriadau a dargedir gydag LAs sy'n caffael a rheoli gwastraff trefol a gwasanaethau ailgylchu, gan ganolbwyntio ar eu rôl fel cleientiaid a darparwyr gwasanaethau.

Creu gwybodaeth ac ymwybyddiaeth o risgiau ynghylch iechyd a diogelwch ac annog newid o ran ymddygiad

15 Rydym yn darparu ystod o wybodaeth i helpu busnesau i nodi'r hyn mae'n rhaid iddynt ei wneud i reoli'r risgiau maent yn eu creu. Mae'r rhain yn cynnwys:

- offer seiliedig ar y we - mae enghreifftiau'n cynnwys cymhorthion hunan-asesu, clipiau sain, podlediadau, delweddau, fideos, cyflwyniadau ac astudiaethau achos;
- cyfarwyddyd - sy'n benodol i destun neu ddiwydiant, yn egluro'r risgiau a'r ffyrdd ymarferol i'w rheoli;
- Codau Ymarfer Cymeradwy (ACOP) - canllawiau ymarferol ar sut i gydymffurfio â'r gyfraith. Mae ACOPs yn disgrifio'r dulliau a ffefrir neu a argymhellir y gellir eu defnyddio er mwyn cyflawni cydymffurfriad.³

16 Rydym yn anelu at ddarparu gwybodaeth sy'n addas i'r diben, wedi'i haddasu ar hyfer anghenion ein cynulleidfya, cryno a syml, cymesur â'r risg ac wedi'i chanolbwyntio ar yr hyn sy'n ofynnol yn ôl y gyfraith. Hefyd rydym yn gweithio mewn partneriaeth â chymdeithasau masnach a chyrrff masnach i'w helpu i ddarparu cyfarwyddyd, gwybodaeth a chyrff hyfforddi ar gyfer eu diwydiannau.

³ Mae gan ACOP statws cyfreithiol arbennig dan y gyfraith. Disgrifir hwn yn *Natganiad ar Orfodi Polisi* yr HSE (www.hse.gov.uk/pubns/hse41.pdf).

17 Rydym yn cydnabod y gall busnesau bach a chanolig (SMEs) ei gael yn anodd deall yr hyn sydd ei angen ganddynt. Rydym yn defnyddio ystod o ymagweddau wedi'u haddasu er mwyn annog a chefnogi SMEs i ddeall y risgiau yn eu busnes a'r hyn mae angen iddynt ei wneud amdanynt. Mae'r ymagweddau hyn yn cynnwys y dilynol:

- Cyfarwyddyd (www.hse.gov.uk/abc/) sy'n benodol ar gyfer SMEs, yn cynnwys y pethau sylfaenol ar gyfer rheoli iechyd a diogelwch, cyngor syml ar gamau ymarferol i reoli peryglon a risgiau cyffredin yn y gweithle, heblaw am asesiadau risg engheifftiol.
- Cyflenwi a chyfranogi mewn digwyddiadau addysgol a chodi ymwybyddiaeth ar faterion allweddol ynghylch iechyd a diogelwch, mewn partneriaeth gyda chymdeithasau masnach, cyrff y diwydiant a busnesau o faint mwy.
- Gweithio gydag ystod eang o bartneriaid i helpu busnesau llai (www.hse.gov.uk/estatesexcellence/index.htm) i wella safonau ynghylch iechyd a diogelwch trwy ymweliadau cefnogi, hyfforddiant ar y safle, rhwydweithiau cyfarwyddyd a chefnogaeth.

Rydym yn cyflenwi Diwrnodau Ymwybyddiaeth Iechyd a Diogelwch (SHADs) ar gyfer sectorau diwydiant penodol. Mae'r rhain yn ddigwyddiadau wyneb yn wyneb sy'n cysylltu â niferoedd mawr o gynulleidfaoedd sydd yn anodd eu cyrraedd yn draddodiadol. Er enghraifft, rydym wedi sefydlu SHADs i ffermwyr amlygu peryglon gwaith amaethyddol ac i annog newid priodol o ran ymddygiad. Hyrwyddir y SHADs gan eu cymdeithasau diwydiant a masnach. Hefyd mae'r math hwn o ddigwyddiad wedi'i wneud yn llwyddiannus yn ddiweddar gyda'r diwydiant cae ffair.

Hyrwyddo iechyd a diogelwch sy'n gymesur a synhwyrol

18 Rydym yn ceisio peidio â chefnogi ymddygiad risg-wrthwynebol diangen a hyrwyddo ymagwedd gymesur a synhwyrol tuag at iechyd a diogelwch.

19 Mae'r Panel Annibynnol ar Her Reoleiddiol (www.hse.gov.uk/contact/challenge-panel.htm) yn ddull annibynnol i unrhyw unigolyn

(ai cwmnïau neu unigolion) gwyno ynghylch cyngor a gyhoeddir gan archwilwyr yr HSE neu LW yr ystyrir ei fod yn anghywir neu'n anghymesur â'r risg.

20 Mae'r Panel Her y Chwalwyr Mythau (www.hse.gov.uk/contact/challenge-panel.htm) yn fechanwaith i herio penderfyniadau neu gyngor anghywir neu dros ben llestri a roddir gan bobl a chyrrff nad ydynt yn rheoleiddwyr, fel cwmnïau yswiriant, ymgynghorwyr a chyflogwyr iechyd a diogelwch, a gymerir yn enw iechyd a diogelwch.

Archwilio

21 Mae archwilio'n weithgaredd allweddol i asesu mor dda mae busnesau'n rheoli eu risgiau iechyd a diogelwch a, lle nad ydynt, i drefnu gwelliannau i gyflawni hyn.

Diwydiannau perygl mawr

22 Rydym yn cynnal elfen archwilio gref yn ein hymagwedd reoleiddiol gyda'r diwydiannau hyn. Mae archwilio cyfnodol yn rhag-amod ar gyfer safleoedd sy'n destun system drwyddedu, i barhau i ddangos eu bod yn rheoli risgiau'n effeithiol.

23 Rydym yn cymryd ymagwedd seiliedig ar risg pan ydym yn paratoi cynlluniau ymyrryd, gan ddefnyddio gwybodaeth gan nifer o ffynonellau, gan gynnwys achosion ac adroddiadau diogelwch, perfformiad blaenorol a pherygl cynhenid i wneud y defnydd gorau o adnoddau. Rhoddir mwy o bwyslais i weithgareddau risg uwch a lle mae tystiolaeth o fethiannau o ran rheoli iechyd a diogelwch.

Diwydiannau eraill

24 Rydym yn targedu ac archwilio deiliaid dyletswydd:

- mewn sectorau lle mae'r risgiau mwyaf difrifol yn codi; neu
- lle mae gennym dystiolaeth a gwybodaeth sy'n awgrymu bod perfformiad iechyd a diogelwch yn peri pryder sylweddol. Mae'r fath wybodaeth yn cynnwys perfformiad blaenorol, graddiadau o archwiliadau cynharach, pryderon a godir gan weithwyr ac aelodau'r cyhoedd, archwiliadau digwyddiad ac adroddiadau o anafiadau, clefydau a digwyddiadau peryglus.

25 Yn unol â'r Cod Gorfodi LA cenedlaethol (www.hse.gov.uk/lau/national-la-code.pdf), dylid defnyddio archwilio gan LAs ar gyfer gweithgareddau risg uchel dim ond mewn sectorau diwydiant a bennir gan yr HSE neu lle mae gwybodaeth yn awgrymu nad yw risgiau'n cael eu rheoli'n effeithiol. Cyhoeddir y rhestr o weithgareddau/sectorau (www.hse.gov.uk/lau/activities.pdf) ar wahân i'r Cod er mwyn caniatáu iddi gael ei hadolygu a'i diweddarau yn gyfnodol.

Ymchwilio

26 Mae ymchwilio i ddamweiniau, digwyddiadau, achosion o afiechyd a phryderon (cwynion) a godir gan weithwyr neu aelodau'r cyhoedd yn ysgogiad pwysig ar gyfer newid ymddygiad a gwella safonau iechyd a diogelwch. Mae'n ein galluogi i benderfynu achosion, rhannu gwersi a nodi pa gamau gweithredu mae angen i ddeiliad dyletswydd eu cymryd er mwyn atal ail-ddigwyddiad.

27 Rydym yn ymateb yn ddetholus i adroddiadau o bryderon neu o ddigwyddiadau, anafiadau neu afiechyd cysylltiedig â gwaith.

- Rydym yn ystyried yr holl bryderon iechyd a diogelwch (www.hse.gov.uk/foi/internalops/og/ogprocedures/complaints/index.htm) a godir gan weithwyr ac aelodau'r cyhoedd ac rydym yn gwneud penderfyniadau yn seiliedig ar risg er mwyn penderfynu sut y dylid dilyn y rhain i fyny.
- Rydym yn ymchwilio i'r digwyddiadau, anafiadau neu achosion o afiechyd mwyaf difrifol sy'n gysylltiedig â gwaith yn unol â meini prawf dewis digwyddiadau yr HSE (www.hse.gov.uk/foi/internalops/og/ogprocedures/investigation/incidselcrits.pdf).

Gorfodi

28 Mae archwilio ac ymchwilio'n darparu'r sylfaen ar gyfer camau gorfodi i atal niwed, sicrhau gwelliant cynaliadwy wrth reoli risgiau iechyd a diogelwch a dal y rhai hynny sy'n methu â chwrdd â'u rhwymedigaethau ynghylch iechyd a diogelwch i gyfrif. Hefyd mae gorfodi'n darparu modd ataliol yn erbyn y busnesau hynny sy'n methu â chwrdd â'r rhwymedigaethau hyn a thrwy hynny'n cipio mantais gystadleuol annheg.

29 Rydym yn cymryd camau gorfodi cymesur yn unol â *Datganiad Polisi Gorfodi* (EPS) (www.hse.gov.uk/pubns/hse41.pdf) a *Model Rheoli Gorfodi* (www.hse.gov.uk/enforce/emm.pdf) yr HSE. Hefyd mae'r EPS yn amlinellu'r ystod o offer gorfodi rydym yn eu defnyddio.

30 Wrth gymryd camau gorfodi, rydym yn ei wneud yn glir i'r deiliad dyletswydd pa faterion sy'n destun gorfodi, lle nad yw cydymffurfiad wedi'i gyflawni, pa fesurau sydd eu hangen i gyflawni cydymffurfiad (gan gynnwys amserlenni) a'u hawl i herio/apelio.⁴

31 Rydym yn dilyn i fyny ar gamau gorfodi a gymerwyd gennym er mwyn gwirio bod y gwellianau angenrheidiol wedi'u gwneud.

Ymgysylltu â'r gweithlu

32 Mae ymchwil yn darparu tystiolaeth i awgrymu bod cynnwys gweithwyr yn cael effaith gadarnhaol ar berfformiad iechyd a diogelwch. Hefyd mae tystiolaeth i awgrymu bod y rhai hynny â chynrychiolwyr iechyd a diogelwch yn fwy diogel ac iach o ganlyniad.

Rydym wedi darparu cyfarwyddyd ar gyfer gweithwyr (www.hse.gov.uk/WORKERS/index.htm) ar ystod o destunau ac rydym yn gweithio gyda Chyngres yr Undebau Llafur er mwyn datblygu llwybr cysylltu benodedig i'r HSE ar gyfer cynrychiolwyr diogelwch.

33 Ar ben ymgysylltu ag undebau llafur a sefydliadau eraill sy'n cynrychioli gweithwyr (gweler paragraff 11), rydym yn cefnogi cynrychiolwyr iechyd a diogelwch undebau llafur yn y gweithle wrth iddynt gyflawni eu rolau gweithle.

34 Pan ydym yn ymweld â gweithleoedd rydym yn ymgysylltu â chyflogeion neu eu cynrychiolwyr er mwyn gwirio eu bod yn cael eu cynnwys a'u hymgyngori'n ddigonol ar iechyd a diogelwch.

35 Pan ydym yn nodi materion sy'n effeithio ar eu hiechyd, diogelwch neu les rydym yn hysbysu cyflogeion neu eu cynrychiolwyr ac yn egluro'r camau gweithredu rydym yn gofyn i'w cyflogwr eu cymryd er mwyn unioni'r materion.

Gweithio gyda rheoleiddwyr eraill ac adrannau'r llywodraeth

36 Lle mae'n briodol, rydym yn gweithio'n agos gyda rheoleiddwyr eraill, y mae eu swyddogaethau'n gorgyffwrdd â'n swyddogaethau ni⁵ i:

- osod trefniadau i bennu ffiniau lle mae deddf iechyd a diogelwch yn gorgyffwrdd â deddf fwy penodol a orfodir gan reoleiddiwr arall;
- hyrwyddo cydweithrediad a lleihau dyblygu;
- cydgysylltu ac ymgymryd â gweithgareddau rheoleiddiol ar y cyd lle mae'n gymesur a phriodol; a
- rhannu gwybodaeth briodol mewn modd amserol.

Rydym yn gweithio gydag Ymchwilio a Gorfodi'r Swyddfa Gartref a Chyllid a Thollau Ei Mawrhydi er mwyn trafod safonau gwael ynghylch iechyd a diogelwch ar gyfer gweithwyr mudol neu anghyfreithlon.

Rydym yn cyfnewid gwybodaeth a thystiolaeth gydag Awdurdod Trwydieu'r Giangfeistri gyda'r nod o atal camdriniaeth, niwed neu anafiadau i weithwyr a allai fod yn hyglwyf.

4 Mae llwybrau gwahanol i herio/apelio gan ddibynnu ar y camau gorfodi a gymerwyd. Cyflwynir y rhain yn y daflen Beth i'w ddisgwyl pan fydd archwiliwr iechyd a diogelwch yn galw (www.hse.gov.uk/pubns/hsc14.pdf) ac ar wefan yr HSE (www.hse.gov.uk/contact/regulatory-complaints.htm).

5 Mae rhestr gyflawn o reoleiddwyr eraill mae gennym drefniadau ffurfiol ganddynt ar gael ar wefan yr HSE (www.hse.gov.uk/aboutus/howwework/framework/f-2001-3.htm).

37 Rydym yn gweithio ar y cyd gydag Asiantaeth yr Amgylchedd, Scottish Environment Protection Agency a Chyfoeth Naturiol Cymru er mwyn rheoleiddio'n effeithiol ddiwydiannau perygl mawr ar y tir. Rheoleiddir diwydiannau perygl mawr ar y môr ar y cyd gennym ni ac Adran yr Amgylchedd a Newid Hinsawdd (DECC).

38 Ar y tir, rydym hefyd yn cefnogi gwaith y Swyddfa dros Reoli Niwclear trwy reoleiddio gweithgareddau COMAH ar safleoedd niwclear trwyddedig. Ar y môr, rydym yn gweithio gyda'r Awdurdod Hedfan Sifil ar faterion hedfan ac Asiantaeth y Môr a Gwylwyr y Glannau ar faterion y môr a llongau.


39 Rydym yn gweithio gydag adrannau eraill o'r llywodraeth i sicrhau bod iechyd a diogelwch cymesur yn cefnogi'r cyflenwad o bolisïau ehangach gan y llywodraeth.

Rydym yn gweithio gydag DECC, Swyddfa'r Marchnadoedd Nwy a Thrydan, dosbarthwyr ynni, cyflenwyr a gosodwyr mesuryddion i gefnogi'r amnewidiad diogel o fwy na 50 miliwn o fesuryddion nwy a thrydan.

Gwybodaeth bellach

I weld gwybodaeth ynghylch iechyd a diogelwch, neu i adrodd anghysondebau neu anghywirdebau yn y ddogfen hon, ewch i www.hse.gov.uk/. Gallwch weld cyfarwydd yr HSE ar-lein ac archebu cyhoeddiadau prisiedig ar y wefan. Hefyd mae cyhoeddiadau prisiedig yr HSE ar gael gan siopau llyfrau.

Mae'r ddogfen hon ar gael ar www.hse.gov.uk/pubns/hse51w/e.pdf

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Regulation of health and safety at work

Introduction

1 The law on health and safety at work in Great Britain is regulated by the Health and Safety Executive (HSE) and local authorities (LAs). Between them, HSE and LAs regulate a diverse range of work activities and workplaces that have different levels of health and safety risk.

2 The primary responsibility for managing these risks lies with the business or, in some instances, the person that creates the risk. As regulators, our role is to determine that businesses are effectively and proportionately managing their health and safety risks to workers and others.

3 To do this, we use a range of interventions to influence, encourage and advise business

and, where necessary, hold to account those who fail to meet their responsibilities. As regulators, we conduct our regulatory activity in accordance with the principles of good regulation (targeted, proportionate, consistent, transparent and accountable) and with regard to the *Regulators' Code* (www.gov.uk/government/publications/regulators-code), including having regard to economic growth. This document explains the main features of our regulatory approach, including the interventions that we use.

Inspection and enforcement of health and safety law is allocated to either HSE or LAs by the Health and Safety (Enforcing Authority) Regulations 1998, according to the main work activity being undertaken. HSE has a central policy role for the regulation of health and safety at work in Great Britain. This includes setting the risk-based regulatory approach that should be adopted by LAs, which is outlined in the national *LA Enforcement Code* (www.hse.gov.uk/lau/national-la-code.pdf).

The main features of our approach

Determining where to intervene and choosing the most appropriate interventions

4 At a high level, the HSE Board takes into account the health and safety performance across Great Britain. It sets the strategy (www.hse.gov.uk/strategy/index.htm) that guides all those with a role to play in delivering improved standards in health and safety performance, with the ultimate mission to prevent death, injury and ill health in Great Britain's workplaces.

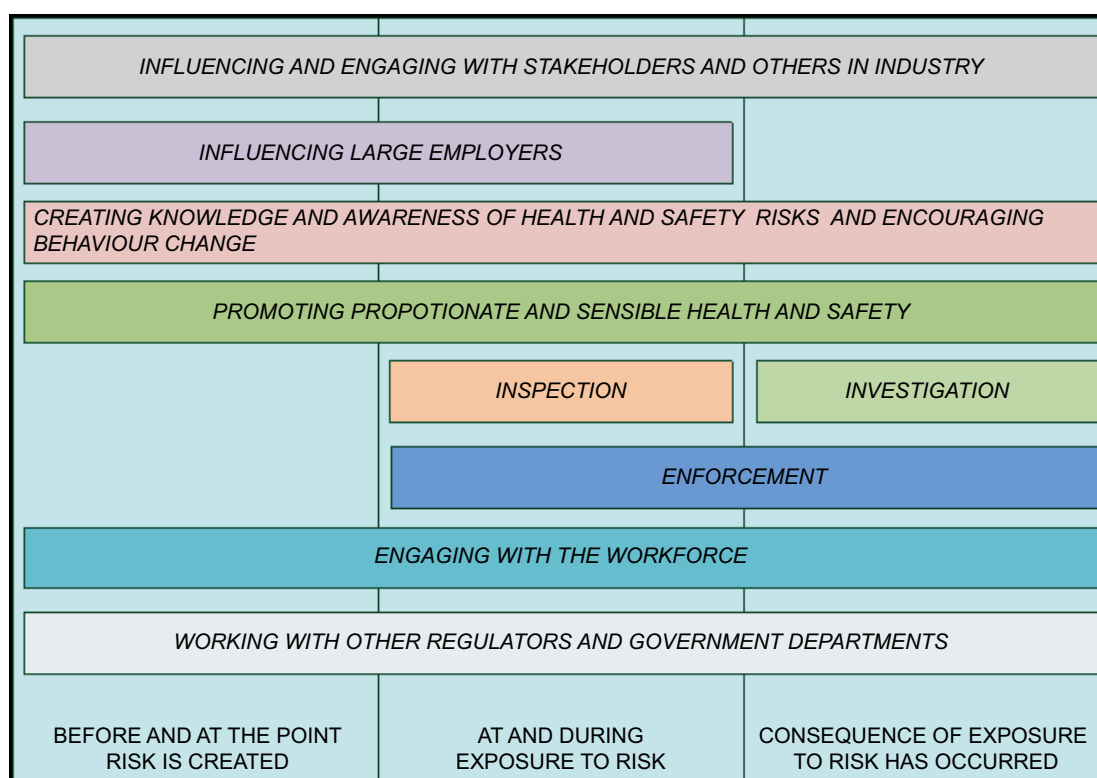
5 A key part of putting the HSE Board strategy into practice is the development of strategies for specific industry sectors (www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/index.htm). These define the key health and safety issues for that industry sector taking into account factors such as the size and demographics of the industry, death, injury and ill-health rates and potential future risks.

6 These strategies identify what needs to be done, and why, to address the key health and safety issues. An important part of our regulatory approach is then choosing and developing the best intervention(s) to improve the management of health and safety risks.

7 We use a range and mixture of regulatory interventions to improve the management of health and safety risks. The main ones are:

- influencing and engaging with stakeholders and others in industry;
- influencing large employers;
- creating knowledge and awareness of health and safety risks and encouraging behaviour change;
- promoting proportionate and sensible health and safety;
- inspection;
- investigation;
- enforcement;
- engaging with the workforce; and
- working with other regulators and government departments.

8 These interventions are used at different times depending on when the risks arise. This is summarised in the diagram below:



9 The sector strategies, the relative efficiency and effectiveness of different types of interventions, together with wider government policies and the information that we have on the health and safety performance of businesses guide our choice of intervention(s). We keep our interventions under review to check that we are using the most efficient and effective approach. The rest of this document outlines some of the key features of the regulatory interventions that we use.

10 There are industry sectors that we define as major hazard¹ because failures in health and safety management and risk control have the potential to cause large numbers of deaths, injuries and ill health from a single event, as well as potential long-term impacts on society, the environment or the economy. Many of the businesses within these sectors operate under permissioning regimes² set by law, which our approach to intervention in these industries has to take into account. *Safety Management in Major Hazard Industries* (www.hse.gov.uk/hid/hid-regulatory-model.pdf) explains in further detail how we regulate these industries.

Influencing and engaging with stakeholders and others in industry

11 Working at a strategic level with industries and others in the health and safety system is a key feature of our approach. We act as a catalyst for wider action by challenging and encouraging others to raise awareness, create behavioural change and take ownership for driving forward improvements in health and safety standards. We use the following techniques to do this:

- Work with trade associations, professional bodies, trade unions, other organisations that represent workers and other stakeholders and intermediaries who have significant influence over businesses and can help set and promote health and safety standards.
- Enter into both multilateral and bilateral partnerships with industry, trade unions and other organisations.
- Encourage designers, suppliers, equipment manufacturers and educational organisations etc to set appropriate health and safety standards for the products and services they provide.

HSE and representatives from the waste and recycling industry, including trade associations, professional associations, trade unions, recycling organisations and national and local government bodies have formed the Waste Industry Safety and Health (WISH) forum (www.hse.gov.uk/waste/wish.htm). WISH works to publicise, facilitate and bring about improvements in health and safety standards in the industry by promoting good practice, sharing ideas and solutions and providing information and guidance to support and enable behaviour change.

The Quarries Partnership Team (www.safequarry.com/pdf/qpt-statement.pdf) is working together to increase the awareness of the risks associated with the inhalation of dust within the quarrying industry and to promote good control practices and the adoption of safe behaviours.

The Paving, Road and Highways Supply Chain Project aims to improve the control and management of health risks in the supply chain to reduce ill health in the construction and maintenance of paving, roads and highways. Three working groups are examining guidance and training, health surveillance and monitoring and the client and designer roles.

1 Control of major accident hazards (COMAH) sites, offshore installations, certain pipelines and the gas distribution networks, explosive manufacturing and storage sites, mines, biological agent facilities and other major hazard sites which present a significant risk because of the dangerous substances they handle.

2 Regimes under which the start or continuation of particular work activities are conditional upon approval of a safety case or safety report, licence, notification etc by the health and safety regulator.

Influencing large employers

12 By influencing large employers we have the potential to significantly improve health and safety for large numbers of people and maximise the efficient use of our own resources.

13 One technique with large employers is to encourage them to make continuous improvements in health and safety management as part of their corporate governance.

We undertake strategic interventions at boardroom level with the 30 construction companies who have the largest financial turnover. Themes discussed with senior management are leadership and worker engagement, corporate risk management (including preventing catastrophe), managing health risks, maintaining competence as the industry emerges from recession and reducing risk through procurement and design.

14 Large organisations also have significant influence on other businesses and we encourage them to use this influence to improve standards, eg further down the supply chain by inclusion of suitable conditions in purchasing contracts.

We have used targeted interventions with LAs who procure and manage municipal waste and recycling services, focusing on their role as clients and service providers.

Creating knowledge and awareness of health and safety risks and encouraging behaviour change

15 We provide a range of information to help businesses identify what they must do to manage the risks that they create. These include:

- web-based tools – examples include self-assessment aids, audio clips, podcasts, images, videos, presentations and case studies;
- guidance – which is topic or industry-specific, explaining the risks and the practical ways of controlling them; and
- Approved Codes of Practice (ACOP) – practical guides on how to comply with the law. ACOPs describe the preferred or recommended methods that can be used to achieve compliance.³

16 We aim to provide information that is fit for purpose, tailored to the needs of our audience, concise and straightforward, proportionate to the risk and focused on what is required by the law. We also work in partnership with trade associations and trade bodies to help them provide guidance, information and training courses for their industries.

3 An ACOP has a special legal status in law. This is described in HSE's *Enforcement Policy Statement* (www.hse.gov.uk/pubns/hse41.pdf).

17 We recognise that small and medium-sized enterprises (SMEs) can find it difficult to understand what is required of them. We use a range of tailored approaches to encourage and support SMEs to understand the risks in their business and what they need to do about them. These approaches include the following:

- Guidance (www.hse.gov.uk/abc/) specific to SMEs, including the basics for managing health and safety, straightforward advice on practical steps to control common workplace hazards and risks, as well as example risk assessments.
- Delivery and participation in education and awareness raising events on key health and safety issues, in partnership with trade associations, industry bodies and larger businesses.
- Work with a wide range of partners to help smaller businesses (www.hse.gov.uk/estatesexcellence/index.htm) to improve health and safety standards through support visits, on-site training, guidance and support networks.

We deliver Safety and Health Awareness Days (SHADs) for specific industry sectors. These are face-to-face events that make contact with large numbers of traditionally hard to reach audiences. For example, we have established SHADs for farmers to highlight the dangers of agricultural work and encourage appropriate behaviour change. The SHADs are promoted by their industry and trade associations. This type of event has also recently been undertaken successfully with the fairground industry.

Promoting proportionate and sensible health and safety

18 We seek to discourage unnecessary risk-averse behaviour and promote a proportionate and sensible approach to health and safety.

A sensible approach to health and safety means focusing on the significant risks – those with the potential to cause real harm and suffering – and avoiding wasting resource on everyday and insignificant risks. We have published guidance on sensible risk management (www.hse.gov.uk/risk/principles.htm) and specifically on sensible risk in local government (www.hse.gov.uk/services/localgovernment/sensible-risk/).

19 The Independent Regulatory Challenge Panel (www.hse.gov.uk/contact/challenge-panel.htm) is an independent means for any person (whether companies or individuals) to complain about advice issued by HSE or LA inspectors that is considered to be incorrect or disproportionate to the risk.

20 The Myth Busters Challenge Panel (www.hse.gov.uk/contact/myth-busting.htm) is a mechanism to challenge incorrect or over-the-top decisions or advice given by non-regulators, such as insurance companies, health and safety consultants and employers, taken in the name of health and safety.

Inspection

21 Inspection is a key activity for assessing how well businesses are managing their health and safety risks and, where they are not, to bring about improvements to achieve this.

Major hazard industries

22 We maintain a strong inspection element to our regulatory approach with these industries. Periodic inspection is a pre-condition for sites subject to a permissioning regime, to continue to show that they are effectively controlling risks.

23 We take a risk-based approach when we prepare intervention plans, using intelligence from a number of sources, including safety cases and reports, previous performance and intrinsic hazard to make the best use of resource. Greater emphasis is given to higher risk activities and where there is evidence of failings in health and safety management.

Other industries

24 We target and inspect dutyholders:

- in sectors that give rise to the most serious risks; or
- where we have evidence and intelligence that indicates that health and safety performance is a significant concern. Such information includes previous performance, ratings from earlier inspections, concerns raised by workers and members of the public, incident investigations and reports of injuries, diseases and dangerous occurrences.

25 In accordance with the national LA Enforcement Code (www.hse.gov.uk/lau/national-la-code.pdf), inspection by LAs should only be used for high risk activities in industry sectors specified by HSE or where intelligence suggests that risks are not being effectively managed. The list of activities/sectors (www.hse.gov.uk/lau/activities.pdf) is published separately to the Code to allow for it to be periodically reviewed and updated.

Investigation

26 Investigating accidents, incidents, cases of ill health and concerns (complaints) raised by workers or members of the public is an important lever for changing behaviour and improving health and safety standards. It enables us to determine causes, share lessons and identify what actions a dutyholder needs to take to prevent reoccurrence.

27 We respond selectively to reports of concerns or of work-related incidents, injuries or ill health.

- We consider all health and safety concerns (www.hse.gov.uk/foi/internalops/og/ogprocedures/complaints/index.htm) raised by workers and members of the public and make decisions based on risk to determine how these should be pursued.
- We investigate the most serious work-related incidents, injuries or cases of ill health in line with HSE's incident selection criteria (www.hse.gov.uk/foi/internalops/og/ogprocedures/investigation/incidselcrits.pdf).

Enforcement

28 Inspection and investigation provides the basis for enforcement action to prevent harm, to secure sustained improvement in the management of health and safety risks and to hold those who fail to meet their health and safety obligations to account. Enforcement also provides a strong deterrent against those businesses who fail to meet these obligations and thereby derive an unfair competitive advantage.

29 We take proportionate enforcement action in line with HSE's *Enforcement Policy Statement (EPS)* (www.hse.gov.uk/pubns/hse41.pdf) and *Enforcement Management Model* (www.hse.gov.uk/enforce/emm.pdf). The EPS also outlines the range of enforcement tools we use.

40 When taking enforcement action, we make clear to the dutyholder which matters are subject to enforcement, where compliance has not been achieved, what measures are needed to achieve compliance (including timescales) and their right to challenge/appeal.⁴

41 We follow up on enforcement action that we have taken to check that the necessary improvements have been made.

Engaging with the workforce

42 Research provides evidence to suggest that involving workers has a positive effect on health and safety performance. There is also evidence to suggest that those with health and safety representatives are safer and healthier as a result.

We have provided guidance for workers (www.hse.gov.uk/WORKERS/index.htm) on a range of topics and are working with the Trades Union Congress to develop a dedicated HSE contact route for safety representatives.

43 In addition to engaging with trade unions and other organisations that represent workers (see paragraph 11), we support workplace trade union representatives and health and safety representatives in the delivery of their workplace roles.

44 When we visit workplaces we engage with employees or their representatives to check that they are adequately involved and consulted on health and safety.

45 When we identify matters affecting their health, safety or welfare we inform employees or their representatives and explain the action that we are requiring their employer to take to put matters right.

Working with other regulators and government departments

46 Where appropriate, we work closely with other regulators, whose functions overlap with ours⁵ to:

- set demarcation arrangements where health and safety law overlaps with more specific law enforced by another regulator;
- promote cooperation and minimise duplication;
- coordinate and undertake joint regulatory activities where proportionate and appropriate; and
- share appropriate information and intelligence in a timely manner.

We work with Home Office Investigation and Enforcement and Her Majesty's Revenue and Customs to tackle poor health and safety standards for migrant or illegal workers.

We exchange information and intelligence with the Gangmasters Licensing Authority with the aim of preventing abuse, harm or injury to potentially vulnerable workers.

4 There are different routes of challenge/appeal depending on the enforcement action taken. These are set out in the leaflet *What to expect when a health and safety inspector calls* (www.hse.gov.uk/pubns/hsc14.pdf) and on HSE's website (www.hse.gov.uk/contact/regulatory-complaints.htm).

5 A complete list of other regulators we have formal arrangements and understandings with is available on HSE's website (www.hse.gov.uk/aboutus/howwework/framework/f-2001-3.htm).

47 We work jointly with the Environment Agency, Scottish Environment Protection Agency and Natural Resources Wales to effectively regulate onshore major hazard industries. Offshore major hazard industries are regulated jointly by ourselves and the Department of Environment and Climate Change (DECC).

48 Onshore, we also support the work of the Office for Nuclear Regulation by regulation of COMAH activities at nuclear licensed sites. Offshore, we work with the Civil Aviation Authority on aviation matters and the Maritime and Coastguard Agency on marine and shipping matters.

49 We work with other government departments to ensure that proportionate health and safety supports the delivery of wider government policies.

We are working with DECC, the Office of Gas and Electricity Markets, energy distributors, suppliers and meter installers to support the safe replacement of over 50 million gas and electricity meters.

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this document, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This document is available at www.hse.gov.uk/pubns/hse51w/e.pdf

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