



Reasonably practicable in Safety & Health

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Every day there are some employers who battle with the dilemma of trying to decipher what is a reasonably practicable solution to the risks posed by the hazards at their workplace. Some people believe that reasonably practical is calculated as a subjective analysis of the situation however; reasonably practicable is deciphered through an objective test. So what does reasonably practicable mean? What factors must I consider to come to a conclusion of the matter? Reasonably practicable means that which is, or was at a particular time, sensibly able to be done to ensure health and safety, which involves weighing a risk against the effort, time and money needed to control it.

There are two elements to what is 'reasonably practicable'. A duty-holder must first consider what can be done - that is, what is possible in the circumstances for ensuring health and safety. The Safety and Health at Work Act places majority of the

duty of care on the employer and the owner of the building, this is not to say that an employee does not have the duty of care to look after his own wellbeing. Secondly, the duty-holder must then consider whether it is reasonable, in the circumstances to do all that is possible. This means, that what can be done should be done, unless it is reasonable in the circumstances for the duty-holder to do something less.

It is the principle in occupational safety and health to eliminate the hazard as the first choice of control. This is followed by substituting the hazardous object or substance for a something less hazardous, or the employer can engineer a mechanism which in itself can reduce the risk to injury or illness. These options are then coupled with administrative controls (the institution of safe work practices), not only the institution but the continual management of the program as well as the use of personal protective equipment (PPE). To make this clearer take note of this example, in a workplace there is an employee who constantly gets a paper cut. Should the employer eliminate the use of paper as a way of doing what is reasonable practicable? No, the use of paper is essential to the work conducted in the workplace. The reasonable step is to source a brand of paper that is less coarse and reduces the risk of the cut as well as an instructional session, teaching the employee how

to manoeuvre the paper to avoid cuts.

The decision as to whether something is reasonable practicable or not, is weighted in support of health and safety because the assumption is that the duty-holder should implement the risk reduction measure. To avoid having to make this sacrifice, the duty-holder must be able to show that it would be grossly disproportionate to the benefits of risk reduction that would be achieved. Thus, the process is not one of balancing the costs and benefits but, rather, of adopting measures except where they are ruled out because they involve grossly disproportionate sacrifices.

In deciphering if a control measure is reasonably practicable the duty-holder must consider and weigh all relevant matters including:

1. **The likelihood of the hazard or the risk concerned occurring.** If harm is more likely to occur, then it may be reasonable to expect more to be done to eliminate or minimise the risk.

2. **The degree of harm that might result from the hazard or the risk.** Clearly, more may reasonably be expected of a duty-holder to eliminate or minimise the risk of death or serious injury than a lesser harm.

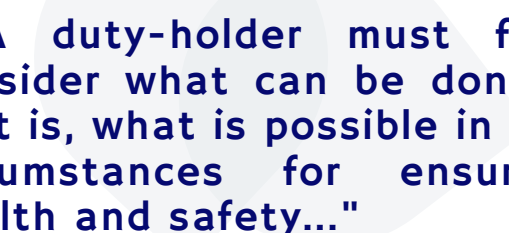
3. **What the person concerned knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating or minimising the risk.** The knowledge about a hazard or risk, and any ways of eliminating or minimising the hazard or risk, will be what the duty-holder actually knows, and what a reasonable person in the duty-holder's position (e.g. a person in the same industry) would reasonably be expected to know. This is commonly referred to as the state of knowledge.

4. **The availability and suitability of ways to eliminate or minimise the risk.** This part requires a consideration of not only what is available, but also what is suitable for the elimination or minimisation of risk. A risk control that may be effective in some circumstances or environments may not be effective or suitable in others, because of things such as the workplace layout, skills of relevant workers, or the

particular way in which the work is done.

5. **The cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.** The cost of eliminating or minimising risk must only be taken into account after identifying the extent of the risk (the likelihood and degree of harm) and the available ways of eliminating or minimising the risk. The costs of implementing a particular control may include costs of purchase, installation, maintenance and operation of the control measure and any impact on productivity as a result of the introduction of the control measure. A calculation of the costs of implementing a control measure must take into account any savings from fewer incidents, injuries and illnesses, potentially improved productivity and reduced turnover of staff.

In conclusion, an employer should take the necessary steps needed to avoid and minimise the risk of injury and illness in the workplace and in so doing he needs to make a knowledgeable decision as to which measure is best to do so. Safety and Health is the first priority when deciding between a safe workplace or saving money. The best employers find the means by which they can be financially profitable while still maintaining a safe and healthy workplace.



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