



## Orion Rail Construction Policy Statements

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Date:	8 <sup>th</sup> September 2020

### 16 Young Persons in the Workplace Policy

Orion Rail Construction cares about the Health & Safety of its people and accepts its responsibility to do all that is reasonably practicable to ensure that bringing young people into the workplace is both safe and operates within current legislative requirements.

This directive outlines the Orion Rail Construction policy relating to requirements imposed by the Health & Safety at Work etc. Act 1974. The Management of Health & Safety at Work Regs 1999 as amended, the Health & Safety (Young Persons) Regulations 1997 and Education Act 1996 reinforces this requirement.

This procedure is applicable to all Orion Rail Construction employees and agency and/or contract workers who have to manage, arrange, facilitate in regards to allowing young people to enter Orion Rail Construction premises.

#### Legislation

The Health & Safety at Work etc. Act 1974 applies to virtually all workplaces and employers have a duty under section 2 to ensure the health, safety and welfare of employees at work so far as is reasonably practicable. This duty is owed to employees and agency and/or contract workers individually, not collectively. Section 3 places a very similar duty on employers to ensure the Health & Safety of non-employees (young persons) who may be at risk from the employers work activities. Section 7 places a duty on employees to ensure their own Health & Safety and to ensure that their actions do not put anyone else at risk. This is a strict liability and is also applicable to Contract personnel. As young persons are potentially more likely to be unaware of the dangers present without being aware of the possible consequences adequate supervision is a mandatory requirement.

The Management of Health & Safety at Work Regulations 1999 as amended support the general duties laid down under the HASAW etc. Act and also contain significant requirements in relation to young persons. This is to undertake a risk assessment of the work activities and premises and to take into account such risks to young person's such as landings, stairways, and other such places, which could attract young persons, which may become 'detached' from their 'Mentors' supervision.

#### Management Responsibilities

It is the responsibility of the Compliance Manager to ensure that Policy and Procedure is appropriately communicated, understood and implemented. This will be achieved by regular audits and inspections.

It is not appropriate for children to be brought into Orion Rail Construction buildings whilst the 'Mentor' responsible is working, as reasonable supervision cannot be guaranteed.

Insurance liability only covers children in formal work-experience programmes, so 'Mentors' must appreciate that they are responsible for their children at all times.

Department managers will be responsible for ensuring the completion and documentation of suitable risk assessment prior to young person's entering site, a copy of all such risk assessments to be provided to the HSEQ Manager.



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### Policy Objectives

Before considering bringing young persons into the workplace, a specific risk assessment regarding the young and inexperienced must be completed. All requirements must:

- Assess risks to all young people less than 18 years of age as far as is reasonably practicable before they enter the premises.
- Ensure that the risk assessment takes into account their psychological or physical immaturity, inexperience and lack of awareness of existing or potential risks.
- Be appropriately and adequately supervised.
- Implement an appropriate safe system of work to ensure the safety of people who may be exposed to risk.
- Ensure that risk assessments are undertaken by competent people who have been suitably trained, equipped and instructed in such work procedures.
- Ensure the safety of those affected by activities arising from young persons in the workplace.
- Inform the Orion Rail Construction Dept/ line manager of any child and or children of compulsory school age of the key findings of the building risk assessment (Building Inspection) and the control measures that they must introduce before the young person(s) is allowed onto the premises.
- Take account of the risk assessment in deciding whether young persons should be prohibited from certain work activities/work areas.

### Risk Assessment

The Health & Safety at Work etc. Act 1974 and supporting Regulations impose a duty on employers to carry out suitable and sufficient assessment of risk to which employees and young persons who may be affected by their activities are exposed. With the assistance of the Compliance Manager it is the responsibility of each Dept/Line manager to complete task assessments for all work activities their people carry out this includes activities involving both parent and HSEQ Manager. Completed assessments may be forwarded to the HSEQ Manager for inclusion on the Orion Rail Construction Safety Management System (IMS).

### Arrangements

Compliance with the following arrangements will ensure the achievement of the Orion Rail Construction policy objectives above.

### Definition

- **Young person** anyone under 18 years of age.
- **A child** anyone who is not over the compulsory school age, they have not reached the official age at which they may leave school. This is generally referred to as the minimum school leaving age (MSLA).

### Child on work experience scheme where a placement agency is employed

- An example of this would be; child of 15 is to undertake a three-week work placement as part of the Year 11 curriculum. The child's school has a contract with a placement organisation.
- In this instance, it is normally the case that the placement organisation will have a number of workplaces where they place children on a regular basis; this may, of course, allow the child slightly less flexibility as to the type of work placement selected. The placement organisation should carry out regular, documented checks, particularly in respect of Health & Safety, at these workplaces in



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association with the school, the placement organisation is undertaking to provide this service. The specific risk assessment required by the Health & Safety (Young Persons) Regulations 1997 may be done specifically by Operatives at the workplace, or in conjunction with the placement organisation the Manager / lines of business are responsible for any remedial action necessary. The placement organisation should also provide the channel of communication for the findings of the risk assessment process to be communicated to the child's parents/guardians.

- The placement organisation may also provide Operatives to visit the child during the placement, or this may be done by school Operatives.

### Unplanned visit by young persons

Orion Rail Construction will be required to provide the parents or guardians of young persons with similar relevant information with regards to risk assessment etc., e.g. specific site induction etc. This information must include the identified workplace related risks to young persons, the associated preventative measures and any information on risks to Health & Safety required to be provided.

Orion Rail Construction as the 'owners' managing facilities agents must protect all persons both invited as well as uninvited, whilst on the premises this will also include young persons from risks to their Health & Safety which are associated with a young person's lack of experience, lack of awareness of existing risks, or immaturity and horseplay.

Orion Rail Construction's building risk assessment and building inspection should consider the hazards presented to children if short duration closely supervised visits are to be allowed, If not, children cannot be admitted. If it identifies uncontrolled hazards, then access cannot be allowed.

Guarding procedures and assignment instructions must give clear guidance to the guard or receptionist on the policy applied in the building. Receptionists must not be permitted to supervise children left at reception even for a few minutes.

All formal visit programmes arranged by Orion Rail Construction managers must be approved by the 'Rail Managing Director' or 'Director' in his absence. When the terms of this policy have not been met the immediate removal of any young persons from the premises will be required with no exceptions.

### New born

It is not unusual that employees who have new born infant(s) to want to bring them into the workplace and show their work colleagues. It is advisable to, if the building facilities layout is suitable to restrict the 'viewing' to general access area such as Reception, restrooms etc., providing safe access and egress routes are maintained at all times.

**Sam Dcruze**  
**Rail Managing Director**  
**8<sup>th</sup> September 2020**