

## Compliance with Health & Safety legislation

The following is a brief description of some of the main duties required by the more generic safety legislation applicable to businesses, which the employers or their “competent health and safety person” would need to address. There may be other regulations specifically applicable to your business, but these have not necessarily been included here. To confirm legislative compliance, a thorough assessment would be made against each applicable regulation.

Health and safety law is enforced by inspectors from the local Council’s Environmental Health Service or by inspectors from the Health and Safety Executive (HSE).

### What powers do inspectors have?

Inspectors have the right to enter any workplace without giving notice, though notice may be given where the inspector thinks it is appropriate.

On a normal inspection the inspector would expect to look at the workplace, the work activities, your management of health and safety, and to check that you are complying with health and safety law. The inspector may offer guidance or advice to help you.

He/she may also talk to employees and their representatives, take photographs and samples, serve improvement notices and take action if there is a risk to health and safety which needs to be dealt with immediately.

When an inspector has carried out an inspection usually, they will tell you about any items which concern them and therefore require attention.

### Enforcing health and safety law

On finding a breach of health and safety law, the inspector will decide what action to take. The action will depend on the nature of the breach. In most cases these are:

- Informal notices may be given, either orally or in writing, on the steps needed to put things right;
- Improvement notices require you to put things right within a certain time;



- **Prohibition notices** require you to stop doing something until things are put right. These are only issued if the inspector considers there is a risk of serious personal injury.

The inspector will follow up formal notices to check what you have done. Failure to comply is a very serious offence and is likely to lead to prosecution.

Health and safety law gives the courts considerable scope for punishing offenders and deterring others. For example, a failure to comply with an improvement or prohibition notice carries a fine of up to £20,000, or six months` imprisonment, or both. Higher courts may impose unlimited fines and, in some cases, imprisonment

### The Health & Safety at Work Etc. Act 1974 explained

This Act aims to promote, stimulate and encourage high standards of health and safety at work. It sets out to protect not only people at work - whether employers, employees or self-employed - but also the health and safety of the general public who may be affected by work activities. It also forms the main legislative 'umbrella' for the provision of the various additional health and safety regulations.

### Duties of employers

Employers must safeguard so far as is reasonably practicable, the health, safety and welfare of the people who work for them. This applies in particular to:-

- The provision and maintenance of safe plant and systems of work, and covers all machinery, equipment and appliances that are used.
- The use and handling of any substance likely to cause a risk to health. All storage and transport arrangements should be kept under review.
- Any necessary information, instruction and training in safe practices. Consider specific training needs with particular reference to processes and activities with special hazards.

- The provision of a safe place of work including safe means of access to and egress from it. Welfare facilities and arrangements must be adequate.

## Duties to others

An employer or self employed person must conduct his undertaking in such a way that it does not affect the health and safety of others, i.e. other employees, or members of the public.

## Duties of employees

Employees must take reasonable care to avoid injury to themselves or others affected by their work activities, and to co-operate with employers and others. Employees must not interfere with or misuse anything provided to protect their health, safety and welfare.

## Health and Safety Policy

It is a legal requirement for any organisation employing five or more people to have a written policy for health and safety. Broadly the policy should contain the following three elements, which as a minimum should include:

### 1. Statement of Intent:

- A clear declaration to provide safe and healthy working conditions and that work activities will not harm others
- Refer to the consultation facilities that exists and sources of expert advice
- A commitment to the provision of relevant information and training in respect of health and safety
- Reference to the support demanded from all persons in the business in order to achieve the safety objectives.

### 2. Organisation:

- Duties and responsibilities for health and safety at all levels
- The person ultimately responsible for health and safety
- Specific responsibilities, e.g. for training, competent persons.

### 3. Arrangements:

- Procedures for identifying hazards, assessing risks, precautions to be taken
- Methods of consultation with employees
- Accident reporting and investigation, fire and first aid arrangements



- o Procedures for introducing new machinery, substances or processes.

You must review your safety policy regularly to ensure it is still up to date, it is actively brought to the attention of all staff and signed and dated by senior company management.



The **Management of Health and Safety at Work Regulations 1999**, amongst other requirements, places a duty on all employers and the self-employed, to make an assessment of the health and safety risks to all persons who might be affected by work activities. It also requires the appointment of a competent person to assist with the provision of relevant H&S advice and support.

The **Regulatory Reform (Fire Safety) Order 2005** replaced most existing fire safety legislation, applies to almost all premises and requires the employer or person in control to manage any fire risk in the premises and ensure everyone on the premises or nearby can escape safely if there is a fire.

The **Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations 1995 (RIDDOR)** requires the responsible person to inform the Health and Safety Executive of specified accidents, ill-health and dangerous occurrences by the quickest practicable means and followed by posting of a form within ten days.

The **Provision and Use of Work Equipment Regulations 1998** requires that work equipment must be suitable for the actual work it is designed to do and should take account of any risks that may arise. It must have suitable stability, controls, lighting, warnings, regular maintenance and inspection and all persons who use it must have sufficient information and training.

**Lifting Operations and Lifting Equipment Regulations 1998** covers a wide range of lifting equipment; the duties are primarily concerned with the safety of persons operating or likely to come into contact with mobile work equipment, e.g. lifts, hoists and forklifts.

The **Health and Safety (First Aid) Regulations 1981** requires employers to provide first aid equipment and facilities adequate and appropriate in the circumstances for enabling first aid to be rendered to his employees if they are injured or become ill at work.

The **Manual Handling Operations Regulations 1992** require that each employer shall "so far as is reasonably practicable", avoid the need for his employees to undertake any manual handling operations at work which involve



a risk of their being injured. Where it is not reasonably practicable to avoid the need for his employees to undertake any manual handling operations at work which involve a risk of their being injured, make a suitable and sufficient assessment of all such manual handling operations to be undertaken by them.

The **Workplace (Health, Safety and Welfare) Regulations 1992** impose specific duties on employers to make sure that, so far as is reasonably practicable, the health and safety of all employees in the workplace environment is protected adequately. They cover aspects of the environment at work including: ventilation, temperature, lighting, cleanliness, workspace, access and egress, sanitary and washing facilities, and rest and eating facilities.

The **Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH)**, basically apply to all substances which might be hazardous to health that are found in the workplace. Employers are required to control the exposure of their employees, and anyone else likely to be affected by their work, to substances hazardous to health.

The **Confined Space Regulations 1997** are associated with any enclosed space, where there is a reasonably foreseeable specified risk associated with that enclosed space, and includes chambers, tanks, vats, silos, pits, trenches, pipes, sewers, flues, wells, or other similar spaces. Specified risks include serious injury from fire or explosion; increased body temperature resulting in unconsciousness; unconsciousness or asphyxiation resulting from work exposure to gas, fume, vapour, lack of oxygen; drowning from a rising liquid level, and asphyxiation from a free flowing solid, or, entrapment in the free flowing solid which prevents escape to a respirable environment.

The **Work at Height Regulations 2005** duty holders have responsibilities to ensure: all work at height is properly planned, organised and takes account of weather conditions that could endanger health and safety; control the risks from fragile surfaces and falling objects; all those involved in work height must be trained and competent; equipment for work at height is appropriately inspected.