

# Health & Safety Legislation

Here's all you need to know about the correct Health and Safety at work.

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## Provide training and information

Everyone who works for you needs to know how to work safely and without risks to health. You must provide clear instructions, information and adequate training for your employees.

Don't forget contractors and self-employed people who may be working for you and make sure everyone has information on:

- hazards and risks they may face;
- measures in place to deal with those hazards and risks;
- how to follow any emergency procedures.

Ask your employees what they think about training to make sure it's relevant and effective. Keeping training records will help you to identify when refresher training might be needed.

The information and training you provide should be in a form that is easy to understand. Everyone working for you should know what they are expected to do.

Health and safety training should take place during working hours and it must not be paid for by employees. There are many external trainers who will be able to help you with your training needs but effective training can often be done 'in house'.

For more advice, see HSE's leaflet [Health and safety training: What you need to know](#).

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## Stop Check!

Some of your staff may have particular training needs, for example:

- new recruits;
- people changing jobs or taking on extra responsibilities;
- young employees, who are particularly vulnerable to accidents;
- health and safety representatives.

There are particular laws relating to the protection of young people at work and the functions and training of health and safety representatives.

Remember that staff will need extra training if you get new equipment or working practices change.

## First Aid

You must have first-aid arrangements in your workplace.

You are responsible for making sure that your employees receive immediate attention if they are taken ill or are injured at work. Accidents and illness can happen at any time and first aid can save lives and prevent minor injuries from becoming major ones.

Your arrangements will depend on the particular circumstances in your workplace and you need to assess what your first-aid needs are.

As a minimum, you must have:

- a suitably stocked first-aid box;
- an appointed person to take charge of first-aid arrangements;
- information for all employees giving details of first-aid arrangements.

You might decide that you need a first-aider. This is someone who has been trained by an approved organisation and holds a qualification in first aid at work or emergency first aid at work.

More detailed information can be found on our [first aid pages](#) and in our leaflet [First aid at work: Your questions answered](#) .

## Are you're a CEO or director?

**Good preparation** helps you to gain the commitment of your employees and their representatives, so that they feel involved and enthusiastic about tackling health and safety together. Our [Worker involvement](#) website shows you how/

**Effective health and safety performance** comes from the top; members of the board have both collective and individual responsibility for health and safety. Our [Leadership](#) site has guidance for all directors, governors, trustees, officers and their equivalents in the private, public and third sectors.

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**Corporate responsibility:** See how good practice in health and safety contributes to your organisation's [corporate responsibility](#).

## Leading health and safety at work

Leadership guidance for all directors, governors, trustees, officers and their equivalents in the private, public and third sectors.

It applies to organisations of all sizes; [small businesses](#) and major hazard industries.

- [Leadership checklist](#)
- [Legal obligations](#)
- [SME advice](#)

[Benefits and costs](#)

## Health and safety leadership checklist

This list is designed to check your status as a leader on health and safety. See the [resources](#) section for advice and tools that may help you answer these questions.

- How do you demonstrate the board's commitment to health and safety?
- What do you do to ensure appropriate board-level review of health and safety?
- What have you done to ensure your organisation, at all levels including the board, receives competent health and safety advice?
- How are you ensuring all staff – including the board – are sufficiently trained and competent in their health and safety responsibilities?
- How confident are you that your workforce, particularly safety representatives, are consulted properly on health and safety matters, and that their concerns are reaching the appropriate level including, as necessary, the board?
- What systems are in place to ensure your organisation's risks are assessed, and that sensible control measures are established and maintained?
- How well do you know what is happening on the ground, and what audits or assessments are undertaken to inform you about what your organisation and contractors actually do?
- What information does the board receive regularly about health and safety – e.g. performance data and reports on injuries and work-related ill health?
- What targets have you set to improve health and safety and do you benchmark your performance against others in your sector or beyond?
- Where changes in working arrangements have significant implications for health and safety, how are these brought to the attention of the board?

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## Legislation

### ***Legal responsibilities of employers***

Health and safety law states that organisations must:

- provide a written health and safety policy (if they employ five or more people);
- assess risks to employees, customers, partners and any other people who could be affected by their activities;
- arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;
- ensure they have access to competent health and safety advice;
- consult employees about their risks at work and current preventive and protective measures.

Failure to comply with these requirements can have serious consequences – for both organisations and individuals. Sanctions include fines, imprisonment and disqualification.

See also the [advice on the Corporate Manslaughter and Corporate Homicide Act 2007](#).

### ***Legal liability of individual board members for health and safety failures***

If a health and safety offence is committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the organisation, then that person (as well as the organisation) can be prosecuted under section 37 of the Health and Safety at Work etc Act 1974.

Recent case law has confirmed that directors cannot avoid a charge of neglect under section 37 by arranging their organisation's business so as to leave them ignorant of circumstances which would trigger their obligation to address health and safety breaches.

Those found guilty are liable for fines and, in some cases, imprisonment. In addition, the Company Directors Disqualification Act 1986, section 2(1), empowers the court to disqualify an individual convicted of an offence in connection with the management of a company. This includes health and safety offences. This power is exercised at the discretion of the court; it requires no additional investigation or evidence.

Individual directors are also potentially liable for other related offences, such as the common law offence of gross negligence manslaughter. Under the common law, gross negligence manslaughter is proved when individual officers of a company (directors or business owners) by their own grossly negligent behaviour cause death. This offence is punishable by a maximum of life imprisonment.

*Note: equivalent legislation exists in Northern Ireland, ie article 34A of the Health and Safety at Work (Northern Ireland) Order 1978 and article 3(1) of the Company Directors Disqualification (Northern Ireland) Order 2002.*

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## ***Corporate Manslaughter and Corporate Homicide Act 2007***

Under the [Corporate Manslaughter and Corporate Homicide Act 2007](#) an offence will be committed where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's employees or members of the public, which results in death. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.

In considering the liability of an organisation under the Act, a jury must consider any breaches of health and safety legislation and may have regard to any health and safety guidance. In addition to other health and safety guidance, this guidance could be a relevant consideration for a jury depending on the circumstances of the particular case.

## Benefits and costs

### ***Benefits of good health and safety***

Addressing health and safety should not be seen as a regulatory burden: it offers significant opportunities. Benefits can include:

- reduced costs;
- reduced risks;
- lower employee absence and turnover rates;
- fewer accidents;
- lessened threat of legal action;
- improved standing among suppliers and partners;
- better reputation for corporate responsibility among investors, customers and communities;
- increased productivity, because employees are healthier, happier and better motivated.

See [Case studies: the benefits of successful leadership](#) to see how organisations have gained benefits through health and safety leadership.

### ***Costs of poor health and safety at work***

HSE statistics reveal the human and financial cost of failing to address health and safety:

- More than 200 people are killed at work in the United Kingdom each year. This does not include work-related road deaths.
- In 2006, 30 million working days were lost in the UK to occupational ill health and injury, imposing an annual cost to society of £30bn (more than 3% of GDP).
- Surveys show that about two million people suffer from an illness that they believe to be caused or made worse by work.
- Many thousands of deaths each year can be attributed to occupational illnesses, including some cancers and respiratory diseases.

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Organisations can incur further costs – such as uninsured losses and loss of reputation. See [Case studies: when leadership falls short](#) to learn from the mistakes of other organisations.

## Deliver health and safety

Delivery depends on an effective management system to ensure, so far as is reasonably practicable, the health and safety of employees, customers and members of the public.

Organisations should aim to protect people by introducing management systems and practices that ensure risks are dealt with sensibly, responsibly and proportionately.

### ***Core actions***

To take responsibility and 'ownership' of health and safety, members of the board must ensure that:

- health and safety arrangements are adequately resourced;
- they obtain competent health and safety advice;
- risk assessments are carried out;
- employees or their representatives are involved in decisions that affect their health and safety.

The board should consider the health and safety implications of introducing new processes, new working practices or new personnel, dedicating adequate resources to the task and seeking advice where necessary.

Boardroom decisions must be made in the context of the organisation's health and safety policy; it is important to 'design-in' health and safety when implementing change.

### ***Good practice***

- Leadership is more effective if visible – board members can reinforce health and safety policy by being seen on the 'shop floor', following all safety measures themselves and addressing any breaches immediately.
- Consider health and safety when deciding senior management appointments.
- Having procurement standards for goods, equipment and services can help prevent the introduction of expensive health and safety hazards.
- The health and safety arrangements of partners, key suppliers and contractors should be assessed: their performance could adversely affect yours.
- Setting up a separate risk management or health and safety committee as a subset of the board, chaired by a senior executive, can make sure the key issues are addressed and guard against time and effort being wasted on trivial risks and unnecessary bureaucracy.
- Providing health and safety training to some or all of the board can promote understanding and knowledge of the key issues in your organisation.

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- Supporting worker involvement in health and safety, above your legal duty to consult worker representatives, can improve participation and help prove your commitment.
- [Case study](#): A comprehensive, boardroom-led review of health and safety helped a leading food manufacturer to reduce time lost to injuries over two years, and helped directors to a much greater understanding of health and safety issues.

## Are you an employee representative?

The law recognises the roles of both trade union-appointed safety representatives and representatives of employee safety elected by the workforce. Our new website [Worker involvement](#) shows how you can help to involve the workforce in decisions and positive action.

\* A **competent person** is someone who has sufficient **training** and **experience** or **knowledge** and other qualities that allow them to assist the employer to meet those requirements.

## Managing for health and safety

Managing for health and safety is about:

- [Looking after your business or organisation](#)
- [Looking after your people](#)
- [Looking after your reputation](#)

Health and safety and successful business or organisation performance are complementary. Good leaders look after their businesses/organisations, and manage skilled workforces who have confidence in them.

As with all parts of your business/organisation practice, to manage health and safety you need to plan, deliver, check quality and take stock to see what you can improve.

## Looking after your...

- [Business](#)
- [People](#)
- [Reputation](#)

### ***Business***

Good health and safety management and successful business are complementary. You will already have a way of cutting down losses in the goods, services you provide or things you make. Properly applied these controls should also help you manage health and safety. You'll want to do this so that you have well-trained people, healthy and at work.

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If you lose key people through poor health and safety, you put the products and work you supply to others at risk. The key is to get your workforce to recognise that managing health and safety is important and your priority value.

- [More information for smaller businesses](#)

## ***People***

When your staff are well-protected and well-trained they add value to your business because they:

- are better motivated;
- take less sickness absence; and
- show greater loyalty.

To involve your workforce you need to:

- set them a good example;
- train them well;
- listen to their concerns; and
- encourage them to suggest solutions to problems
- [More information for smaller businesses](#)

## ***Reputation***

The public and workers expect HSE to take strong enforcement action. Failures can bring penalties of imprisonment or unlimited fines. HSE and local authorities increasingly publicise enforcement decisions and prosecutions. Adverse publicity will:

- put customers off doing business with you;
- prejudice your position on any prequalification or preferential supplier lists; and
- spread a bad reputation more quickly through the industry than good performance.
- [Examples of enforcement action](#)

# Essentials for all

These are questions that an owner/manager should be asking to start/check that the business is managing for health and safety. The answers to them will give an indication about what the business needs to do next. Links show you the way to more information. This will lead to a list of actions that need to take place. Use the Risk Profiling information to put them into a priority order.

- [Managing](#)
- [Leadership](#)
- [Competence](#)
- [Worker involvement](#)
- [Health](#)

## ***Managing for health and safety***

This is the approach taken to prevent ill health and accidents. It is about the priority of health and safety in the business; it should be the no 1 value. You should consider it to

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be part of the way you normally operate the business, “the way things are done around here”. It can be a plan, do, check and act/learn approach, in larger businesses it’s sometimes a separate h/s management system. Whichever way, it will need the support of the people in the business.

What does a business leader need to do to have a healthy workforce?

- Firstly identify your risks: see risk profiling
- Secondly take stock of how you now stand with your workforce, use questions below
- Thirdly assess the risks using these [risk assessment guides](#)
- Fourthly draw up a plan using this approach or system:
  - Plan: say what you want to happen
  - Do: make sure there are systems in place to provide the tools and equipment to do the job
  - Check: Make sure the work is being done safely
  - Act and Learn: listen to problems and successes and make improvements

How to:

- [Management Assessment Tool for SMEs \(MAST\)](#)
- [Looking after your business: Getting started - step-by-step](#)

## **Leadership**

Effective health and safety performance comes from the top. Your workers will expect to meet the standards you set for health and safety. You need to own and understand the key issues and take action accordingly.

Questions for leaders to ask themselves:

- How do I demonstrate this organisation’s commitment to health and safety?
- Have I arrangements to deal with the real risks the people in my organisation face?
- Do I know what is happening in the workplace; what checks are carried out to tell me what’s happening?
- How often is there a top-level review to learn from our past performance and plan for the future?

How to:

- [Leading health and safety at work: Leadership actions for directors and board members](#)
- [Leadership for small and medium organisations](#)

## **Competence**

When workers are trained to work healthily and safely, they improve productivity, adding more value to your business and take less absence generally and for ill-health or accidents in particular.

Competence is part of good health and safety management. Someone having sufficient training with experience or knowledge to undertake the work required properly is competent.

Questions to ask:

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- Do I know everyone has the right training to do their job safely and prevent any health problems?
- Have my managers and supervisors the right knowledge and experience to be responsible for health and safety
- Have I got the right health and safety advice (competent) for my organisation?

How to:

- [Information on training](#)
- [Getting specialist help with health and safety](#)

## ***Worker involvement***

Involving the workforce is essential to good health and safety performance – and good for business. If you don't involve them - they will think you don't care about them. And importantly by law you must consult all employees and this will help in a practical way too by helping you spot workplace risks, making sure health and safety controls are practical and increasing the level of commitment to working in a safe and healthy way.

Questions to ask:

- Have I asked them if their tasks are difficult to do safely?
- Do I ask them what health and safety needs improving and if they have all they need to do the job safely?
- Do I take account of employee views when there are changes in the workplace that might impact on health and safety and on arrangements for competent advice?
- And when there are changes how does this affect their information, instruction and training?
- Do I provide the necessary information and arrangements for the representative who could be elected by their colleagues or appointed by a trade union?
- Do I have suitable arrangements in place for consulting my employees, either directly or through their representatives?

How to:

- [Worker involvement](#)
- [Involving your workforce in health and safety: Good practice for all workplaces](#)

## ***Health***

Health problems are less obvious than injury issues, four times more days are lost through ill health than through injury. It doesn't always happen straight after an incident, and workers are less likely to tell you about it. Key health issues include: exposure to asbestos, chemicals/dusts, noise, stress, manual handling and vibration.

Questions to ask:

- Do I have an occupational health problem in my business and have I taken steps to prevent ill health in my workforce?
- Do my workers know what health risks in my business could affect them?
- [More about occupational health](#)