

# Health and safety law

Looking after health, safety and welfare is not just a legal requirement - it makes commercial sense. Failing to manage health and safety properly can be far more costly than getting it right in the first place.

While the sheer mass of legislation can be intimidating, most of it is straightforward. Help and advice is widely available.



Your responsibilities

Health and safety policy

Personnel

Fire precautions

Hazards

Employee welfare

Accidents and emergencies

## 1. Your responsibilities

### **Most businesses are no longer required to register with the appropriate authority**

- This includes most businesses that were previously required to register, such as offices and shops.
- The local authority - normally the Environmental Health Department - is in charge of health and safety for most premises (eg offices and shops).
- You may still be required to register or require a licence to operate under other rules. If in doubt, check with the [Health and Safety Executive \(HSE\)](#).
- The HSE enforces health and safety law for factories (and all other workplaces not covered by the local authority).

**You are responsible for the health and safety of everyone affected by**

## your business

- This includes employees, anyone working in, or around, or visiting your premises and anyone affected by products and services which you design, produce or supply.
- You must have a [health and safety policy](#). If you have five or more employees, the policy must be in writing.
- You must provide appropriate information, instruction and training for your [personnel](#).
- Employees must be able to prove you were negligent before they can pursue a claim against you if they have a workplace accident.
- Consider taking out legal expenses insurance in case you are sued for a breach of health and safety regulations.

## You must carry out a suitable risk assessment

- A thorough risk assessment is the most effective way of improving health and safety.

## You must make suitable arrangements for employee welfare

- See [Employee welfare](#).

## You must have employers' liability insurance

- This is not required if all your employees, without exception, are your close relatives.
- There are certain other exemptions.

### Special cases

- Your health and safety and fire arrangements must take into account any particular difficulties faced by people with disabilities (employees or visitors).
- Special regulations cover the employment of young people (below 18 years of age).
- Extra care needs to be taken to avoid exposing pregnant women to situations which could harm either the woman or the unborn child. For example, heavy lifting or exposure to harmful substances.
- If your business provides food (either to employees or to the public), you will need to register with your local authority.
- Businesses with particular dangers face extra regulation. These include the construction industry as well as businesses involved with chemical processing, mining, explosives and petroleum products.

## 2. Health and safety policy

### If you employ five or more people, you must have a written health and safety policy

- Make sure all your employees are aware of it.
- Even if you have fewer than five employees, you may want to have some written documents.

## **The policy should at least contain your general approach to health and safety**

- The HSE provides a downloadable template and sample policy.

## **The policy should include how you organise for health and safety**

- Appoint 'competent persons' to help with the organisation of health and safety matters.
- You may need to use an outside consultancy for help.
- The directors of your company still retain final responsibility. They could face civil or criminal legal proceedings if health and safety failures lead to an accident.

## **The policy should include or refer to your specific health and safety procedures**

- For example, your evacuation procedure in the event of a fire.

### **Competent persons**

If you do not oversee health and safety in your business, you must appoint a competent person to do so.

- A competent person will have general managerial abilities.
- A competent person will need to be aware of relevant legal requirements and industry standards that exist.
- The competent person advises people with authority to implement the health and safety policy.
- The person will need to be adequately trained. It may be appropriate for them to have, or to be working towards, a suitable qualification.

## **3. Personnel**

### **Provide appropriate health and safety training for all employees**

- Include health and safety in induction, particularly for employees who will be placed in hazardous situations, and when employees are moved to another department or site.
- Carry out a risk assessment and provide training whenever new equipment is introduced or working practices change.
- Monitor employee behaviour to ensure that training is effective and that health and safety procedures are being followed.

### **Provide health and safety information for all employees**

- You must display the poster 'Health and safety law: What you need to know', or distribute the leaflet to each worker.
- You must give employees information about risks to their health and safety, and about the preventive measures that are in place to control risks.
- Use appropriate safety signs. For example, for hard hat areas, slippery surfaces etc.

## **Involve employees in health and safety**

- Employees have the right to be consulted about issues which affect them.
- It may help to set up a safety committee.

## **Include health and safety in employees' contracts**

- Remind employees that they are legally responsible for their behaviour as it affects the health and safety of themselves and others. You are also responsible for their behaviour.
- Make behaviour which breaches your policy a disciplinary offence.

# **4. Fire precautions**

## **You must minimise the risk from fires**

The Regulatory Reform (Fire Safety) Order 2005 lays down basic requirements. These include:

- escape routes to a place of safety;
- fire-resistant doors and walls;
- firefighting equipment;
- fire alarms;
- emergency lighting;
- safe storage of inflammable and dangerous materials;
- staff training.

## **You must ensure that your premises meet the standards set by the regulations**

- If your building is sub-standard, you may need to make alterations.
- If you are planning any alterations to your premises, you must ensure that these do not breach the regulations.

## **You, or a 'responsible person' you appoint, must carry out a fire-risk assessment**

If you have five or more employees, you must keep a written record of your assessments. Your assessment should include the following five stages:

- identify possible fire hazards;
- identify any people who may be at particular risk;
- evaluate the risks that exist, and take steps to remove or reduce them;
- draw up an emergency plan, and train your staff accordingly;

- review your assessment regularly, particularly if there are any changes that may increase the risks.

## **Individuals can be prosecuted for failure to meet their fire safety responsibilities**

- This includes other employees as well as the responsible person.
- Conviction can result in a prison term.

## **5. Hazards**

Risk assessment is a key part of health and safety. In addition to the general need to assess hazards, there are particular regulations to consider.

### **You must minimise the risks from work equipment**

- Special regulations apply to dangerous equipment.
- Electrical equipment must be properly inspected and maintained.
- Procedures must be in place to make sure that employees do not suffer excessive exposure to VDUs without rest breaks.
- Suitable equipment and training must be provided to avoid unnecessary handling of heavy loads.
- When purchasing equipment or machinery, you must satisfy yourself that it is safe.

### **You must ensure that your premises are healthy and safe**

- Workstations should be suitable for the people using them and seating should provide adequate support.
- The workplace layout should allow people to move about safely.
- The workplace must also provide for employee welfare.

### **You must assess and control the risks from hazardous substances**

- The requirements are set out in the COSHH (Control of Substances Hazardous to Health) regulations.
- In a normal office environment risks are low. However, some substances such as printer toner can be dangerous and must be appropriately used, labelled and stored.

## **6. Employee welfare**

### **You must provide enough clean, working toilets**

- Hot and cold water, soap and towels or a hand dryer must be available.
- Mixed facilities are allowed, provided they are enclosed and lockable from the inside.

### **You must provide mains or bottled drinking water**

### **Working areas should be cleaned regularly**

- Waste should be removed and safely stored.

## **The temperature should be comfortable**

- Recommended levels are at least 16° C where people are seated and at least 13° C where people are active.
- If the temperature must be lower, employees should not be exposed for long and they should be given suitable clothing.
- Thermometers should be available.

## **Adequate lighting is required for both employee welfare and health and safety**

### **The workplace should provide enough space and ventilation**

- Recommendations are that employees should have at least 11 cubic metres per person (not counting space more than three metres above the floor).
- If your windows do not provide sufficient ventilation, a mechanical ventilation system may be required.

## **You must provide employees with an appropriate rest area, depending on your circumstances**

- Employees who do physically demanding work usually need one.
- Employees who wear special clothing usually need a changing area. Even in a normal office, there must be a place to hang and dry wet clothing.
- If the workplace is not suitable for eating in, provide an eating area.
- Implement a smoking policy. Smoking is banned in all commercial premises and enclosed public places.
- Pregnant women and new mothers must be given access to rest facilities.

## **7. Accidents and emergencies**

### **You must have suitable first-aid facilities**

- The number of first-aid kits and named first aiders you need is a matter for self-assessment.

### **You are required to report certain serious accidents, illnesses and near misses**

- RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) sets out the requirements to report specified work-related injuries or deaths, occupational diseases and dangerous occurrences.
- All businesses must have an accident book that records the date and details of each incident. All injuries that require someone to be off work for more than three days should be recorded.
- You must report any accident that causes someone to be off for more than seven days to the HSE or the local authority.

- To comply with the Data Protection Act, staff must not be able to see other entries when they input details into the accident book.

## You must have appropriate procedures in case of fire or other emergencies

### Signpost

- Download [Health and safety made simple](#) - The basics for your business from the HSE.
- Find a downloadable template and sample [health and safety policy](#) from the HSE.
- Buy or download the [health and safety law poster](#), leaflets or pocket cards from the HSE.
- Find [health and safety guidance](#) for particular topics or industries from the HSE.
- Find out about [food safety](#) from the Food Standards Agency.
- Find guidance on [fire safety and risk assessment](#) on GOV.UK.
- Make an online [RIDDOR report](#).
- Find a [trade association](#) for information on health and safety issues for your industry through the Trade Association Forum.
- Get general advice from your [local Enterprise Agency](#) or [Local Enterprise Partnership](#).
- Find guidance on [health and safety advisers](#) from the HSE or search the [Occupational Safety and Health Consultants Register](#).

### Note

Health and safety law is complex. This factsheet reflects our understanding of the basic legal position as known at the last update. Obtain legal advice on your own specific circumstances and check whether any relevant rules have changed.

### Expert quote

"Safety management pays a good return in the long term, so if it's a good dividend you want for your shareholders, factor in good safety management and loss control." - Sypol

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