



Health and Safety Information Sheet:

Duties of the Employer:

The Health and Safety at Work etc Act aimed to ensure that virtually **all workers in all occupations** were protected by health and safety legislation. The act provides a broad framework within health and safety can be regulated through one comprehensive, integrated system of law

The Health and Safety at Work Act (HSWA) 1974 is the framework for all health and safety legislation in the UK. The act describes very few specific detailed requirements but describes the general duties of an employer towards their employees. Nevertheless, these are **fundamental duties** and are often the basis of prosecutions against employers.

The Act is written in very general terms, and the duties on employers are qualified with the words “**so far as reasonably practicable**” this means that employers can argue that the cost of safety measures is not justified by the reduction in risk, but it does not mean that they can avoid their responsibilities simply by claiming that they cannot afford the improvements.

Section 2 of the Act places a general duty on employers to ensure the **safety, health and welfare** of their employees. This duty extends to employees ‘mental and well as physical health

Employers must provide machinery, equipment and other plant that is safe and without risk to health, and must maintain it in that condition. Employers must also ensure safe systems of work. This includes workplace layout and the way in which jobs are carried out. **(Sections 2(1) and 2(2) (a))**

- Employers **must** ensure that things used at work do not endanger employees’ health; that information about hazards provided by manufacturers

is obeyed and products are stored and transported safely. **(Section 2(2)(b) and (6))**

- All employees **must** be given suitable health and safety information, instruction, training and supervision. **(Section 2(2)(c))**
- Employers **must** ensure that any workplace that is under their control does not pose a hazard to health. This may include walls, flooring, ventilation etc. **(Section 2(2)(d))**
- Employers are responsible for the workplace environment e.g. heating, lighting, noise levels and welfare provisions such as seating, washing and toilet facilities. **(Section 2(2)(e))**
- Employers employing more than 5 employees must produce a written safety policy that details the hazards present in the workplace and the procedures and people responsible for dealing with them. **(Section 2(3))**
- Any employer who employs more than five people must have a **written statement of health and safety policy**, and must bring this to the employee's attention. The statement should set out the organisation (people) and arrangements (Procedures) necessary to ensure a safe and healthy place of work.
- If requested by a recognised trade union, employers **must** recognise and allow safety reps and safety committees to function. **(Section 2(4), 2(6) and 2(7))**
- **Section 3** of the Act places a general duty on employers and the self employed to **ensure that their activities do not endanger anybody** – and in certain circumstances, to **provide information to the public** about any potential hazards to health and safety

The Health and Safety at Work Act provides a framework into which new health and safety legislation, in the form of Regulations can be fitted. Many Regulations derive from European Directives which are enacted under the Health and Safety at Work Act as Regulations. Regulations are legally binding and enforceable under the HSWA.

Since 1974 the majority of health and safety legislation has been introduced due to the influence of the European Community in the form of directives. In 1989, a series of directives were passed which ultimately created the biggest shake up in health and safety law since the implementation of the 1974 Act.

The directives were incorporated into British law in 1992, as six new sets of regulations which took effect on 1st April 1993. Since then a steady stream of new legislation has been implemented, based mainly on European Directives.

Management of Health and Safety at Work Regulations 1992:

The regulations set out broad general duties aimed mainly at improving health and safety management by encouraging a more systematic and better organised approach to dealing with health and safety

The Regulations require the employer to:

- Assess the risks to the health and safety of employees, and of anyone else who may be affected by their work activity. This is so that the necessary preventative and protective measures can be identified. Employers with five or more employees will have to record significant findings of the assessment and review when necessary.
- Ensure adequate arrangements for putting into practice health and safety measures that follow the risk assessment. These must cover planning, organisation, control, monitoring and review. Again employers with five or more employees will have to record findings
- Provide appropriate health and safety surveillance for employees where the risk assessment shows it to be necessary;
- Appoint competent people (either from inside the organisation or outside) to help devise and apply the measures needed to comply with their duties under health and safety law.
- Ensure clear emergency procedures exist to safeguard employees who may be faced with risks that constitute a serious or imminent danger.

- Provide employees with information that can be easily understood about health and safety matters
- Co-operate with other employers sharing the work site to ensure that there procedures in place to identify how their respective work activity may affect each others employees.
- Ensure that employees have adequate health and safety training, both on recruitment and where they move to new jobs, or where there is a change to the risks of any existing work, or when new technology is introduced. Employers are also responsible to ensure that employees are capable of carrying out the tasks allocated i.e. the task is not beyond the capabilities;
- Provide temporary workers with relevant health and safety information relating to the workplace. i.e. bank staff

The Regulations also place duties on the employees (Regulation 14):

- Place duties on employees to use equipment in accordance with any instructions and training given by the employer
- Report any situation where a serious and imminent danger may arise
- Report any shortcomings in the employers preventative and protective provisions

These regulations are important because they clarify how employers must comply with their duties as laid out in the HSWA. They aim to emphasise accident prevention through compulsory risk assessments by employers. Risk assessments are the duty of the employer and **should only be signed by a management representative**; however safety reps should be involved at the earliest stages of assessments.

The Management of Health and Safety at Work Regulations further extended the Safety Representative and Safety Committee Regulations by requiring employers to consult employee's safety representatives in good time about:

- The introduction of any new health and safety measure in the workplace
- The arrangements' for appointing a competent person

- Any health and Safety information the employee gives to employees
- The planning and organisation of health and safety training
- The introduction of new technology as it affects the health and safety of the employees

Further Regulations place legal duties on the employer: Information can be found at:

The Control of Substances Hazardous to Health (Fifth edition).2002 (as amended).
Approved Code of Practice and guidance: HSE Books: Norwich.

Health and Safety at Work Act (1974) Approved Code of Practice and guidance:
Health and Safety Executive: HSE Books: Norwich.

Ionising Radiations Regulations (1999): Health and Safety Executive: HSE Books:
Norwich.

Management of Health and Safety at Work Regulations (1992) *Approved Code of Practice and guidance*: Health and Safety Executive: HSE Books: Norwich.

Manual Handling Operations Regulations (1992): Approved Code of Practice and guidance: Health and Safety Executive: HSE Books: Norwich.

Noise at Work Regulations (1989): Approved Code of Practice and guidance: Health and Safety Executive: HSE Books: Norwich

Personal Protective Equipment Regulations (1992): Approved Code of Practice and guidance: Health and Safety Executive: HSE Books: Norwich.

Workplace (Health, Safety and Welfare) Regulations (1992): Approved Code of Practice and guidance: Health and Safety Executive: HSE Books: Norwich.