

# **A Safe and Healthy Workplace**

## **Why is Health and Safety Important?**

Health and Safety is the subject of many laws and regulations, failure to comply with the law renders companies and individuals liable to prosecution. Health and Safety is important because it protects the well being of employers, visitors and customers. Looking after Health and Safety makes good business sense.

Workplaces which neglect health and safety risk prosecution, may lose staff, and may increase costs and reduce profitability.

Before looking further at the benefits of good health and safety practice, it is worthwhile defining what is meant by 'health' and 'safety' in a work context.

## **Health and Safety in the Workplace**

Health refers to our general well being. It means that we enjoy freedom from disease or infirmity and have a sense of mental, physical and social well being.

Safety is a feeling of security. We can work without fear of danger or injury.

In an ideal world, we would create a working environment in which everyone enjoys protection from disease or infirmity and has a sense of well being whilst also feeling safe from accident and injury.

Of course we do not live in an ideal world and, since work began, people have suffered accidents and injury at work. Our aim is a sensible and balanced approach which reduces risks and protect staff and visitors from harm. Accidents will still occur but in fact most 'accidents' are the result of ill-considered actions or working practices. This is why managers and staff are both responsible for health and safety within the law.

## The Cost of Accidents

Accidents cost money. Some of these costs are obvious like lost wages, medical treatment, damage to equipment and stock etc. But this is not the complete story, other costs include legal penalties, loss of reputation, difficulty in recruiting staff and so on. For the employer, maintaining a healthy and safe working environment has many benefits including:

- Good staff morale
- Greater efficiency
- Less lost production
- Lower staff turnover
- Lower insurance
- Compliance with the law.



## How is Good Health and Safety Practice Promoted?

There is no one answer to this question because the hazards and risks depend on the occupation and the environment.

At first glance it may seem that some occupations are less risky than others, unfortunately accidents happen in all jobs. Often the most dangerous occupations are those in which greatest attention has been paid to safety so accidents happen less often than you would expect. We have to look at each job individually and adopt working practices which minimise the risk of accident or injury.

In this book, we discuss a wide range of legislation and safe working practices. However, the risks are not the same for every workplace. Each organisation must consider the risks associated with its own workplace and plan accordingly. The following sections are a general guide but need to be applied with your particular work environment in mind. If in doubt, consult an expert. There are many sources of help and advice available, often free. Health and Safety Inspectors, Environmental Health Officers and representatives of other related agencies can provide advice or information.

Section 18 lists Health and Safety Executive Offices and Advice Centres from which further information and guidance can be obtained.

# **The Legal Framework**

There are a great number of laws, directives and regulations, both British and European, which affect the workplace. Some of these are very specialist and will not be examined in detail. Others are more general and will be discussed in later sections.

At this stage we will look at the general framework. There are three major pieces of legislation which employers and employees need to be aware of:

- The Health & Safety at Work Act 1974
- The Workplace (Health Safety & Welfare Regulations) 1992
- The Management of Health & Safety at Work Regulations 1999.

## **The Health & Safety at Work Act 1974**

This Act has a wide application as it applies to all employers, the self-employed, most government offices and, even in some circumstances, the general public.

The Act makes the employer responsible for the protection of his employees and members of the public affected by his or her work. Employees must be told about matters affecting their well being.

The employees also have health and safety responsibilities, and it is the employer's duty to notify them of these responsibilities.

The Act is 'enabling legislation'. This means that further legal duties can be imposed by statutory instrument under the general heading of the parent act. Most of the changes of the last ten years have been introduced to English Law under these powers.

The Act did three main things.

- 1 It introduced the concept of criminal liability. Until 1974, if there was an accident at work then the individual employee had to sue the employer, at his or her own expense, and try to obtain compensation. If successful, this would often mean loss of employment. The result was that few employees ever tried to obtain compensation - particularly where the employer kept them on full pay while they recovered. The 1974 Act made it possible for some accidents to be classified as criminal negligence and in these cases the State, represented by the Health and Safety Executive or the Factories Inspectorate, can bring criminal proceedings.
- 2 The second change made was the onus of proof. In general terms, in law you are innocent until proved guilty. The Act and the subsequent legislation in many cases laid down duties of care where the mere fact that an accident had occurred meant that the onus of proof fell on the employer to prove that he or she had not been negligent. In law the fact that an accident has occurred is evidence of negligence. It is then up to the employer to prove that reasonable care was taken to avoid the accident. It is not up to the injured party to prove negligence.
- 3 The third change was the power given to the Inspectorate to enter business premises at any time to carry out inspections and, if required, serve notice that practices are dangerous. The Inspector normally discusses the working environment with the safety officer at the place of work. Only if a compromise cannot be reached will the Inspector serve an 'improvement notice' or a 'prohibition notice'.

The Act places a number of duties on employers, these include:

- Make the workplace safe and healthy, as far as is reasonably practical.
- Keep dust fumes and noise under control.
- Implement safe systems of work and ensure that these systems are followed. Also ensure that machinery and equipment meet the correct safety standards.
- Check that staff have been trained in the use of equipment.
- Ensure that materials are stored in a manner that does not contravene the manual handling regulations (see later).
- Provide adequate welfare facilities.

- Draw up a statement of health and safety policy and make staff aware of it.
- Provide protective clothing free (unless covered by a contract of employment stating that the employee must provide it).
- Ensure that the workplace does not present health risks, eg stress or passive smoking.
- Distribute information on safety matters and display such regulations as may from time to time be required.
- Provide adequate first aid facilities.
- Consult safety representatives if they have been appointed by a recognised Trade Union. Note that the number of trade union members is irrelevant. For example, if the firm has only one lorry driver and that employee was a member of TGWU and that person is appointed safety representative, then the employer has a legal duty to consult with that person.
- If requested by two or more safety representatives, a safety committee must be set up.

The Act requires an employer to appoint an individual with responsibilities for Health and Safety. If no such appointment is made then the Chief Executive will be, by default, the Safety Officer.

Employees also have responsibilities under the Act. These can be summarised as:

- Take reasonable care of their own health and safety, and the health and safety of co-workers and visitors.
- Co-operate with the employer on the use of protective clothing and protective guards on equipment.
- Not to interfere with equipment provided for the health and safety of the workforce, eg first aid boxes, fire extinguishers etc.

Under the Act, the EC Safety Directives and the Regulations for First Aid also apply (these are considered in detail later on).