

DIRECTORS' BRIEFING



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Health and safety

● 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 daunting, most of it is straightforward and help and advice is widely available. This briefing covers:

- ◆ Your responsibilities.
- ◆ Organising for health and safety.
- ◆ The key areas you need to consider.
- ◆ Help and advice.

Together with **Health and safety risk assessment**, LA 4, it provides a broad overview of how to approach health and safety issues.

1 Your responsibilities

A You must **register** with the appropriate authority.

- ◆ If you have employees in an office or shop, you register with the local council — usually with the Environmental Health Department.
- ◆ If you have a factory, you must register with the Health and Safety Executive.

You are normally required to register at least one month before you start trading.

B You are responsible for the health and safety of **everyone affected** by your business.

- ◆ This includes employees, anyone working in or visiting your premises, people outside your premises, and anyone affected by products and services which you design, produce or supply.
- ◆ You must have a health and safety

policy (see **2**). If you have five or more employees, the policy must be in writing.

- ◆ You must provide appropriate information, instruction and training (see **3**).

C You must carry out a suitable **risk assessment**.

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

D You must make suitable arrangements for **employee welfare** (see **6**).

E You must have employers' liability **insurance**, unless all your employees, without exception, are your close relatives. (There are certain other exemptions. See **Insurance to protect your business**, IN 1.)

FURTHER HELP

There are other Directors' Briefing titles that can help you. These briefings are referred to in the text by name and by the code given to each briefing. For example, the law briefings have the codes LA 1, LA 2, etc.

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DIRECTORS' BRIEFING

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2 Health and safety policy

If you employ five or more people, you must have a written health and safety policy and make sure it is brought to the attention of all your employees. Even if you have fewer than five employees, you may want to have some written documents.

- A** The policy should at least contain your **general approach** to health and safety.
- ◆ The leaflet 'An Introduction to Health and Safety' is available free of charge from HSE Books (see **8B**).
- B** The policy should include how you **organise** for health and safety.
- ◆ Appoint 'competent persons' to assist with the organisation of health and safety matters (see box).
 - ◆ You may need to use an outside consultancy for help.
 - ◆ The directors of your company still retain ultimate responsibility. They could face civil or criminal legal proceedings if health and safety failures lead to an accident.
- C** The policy should also include or refer to the specific **procedures** you have for managing health and safety.
- ◆ 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** A competent person will have general **managerial** abilities.
- ◆ These will include knowledge of the business, common sense and knowing his or her own limits.
- B** A competent person will need to be aware of relevant **legal requirements** and industry standards that exist.
- C** The competent person advises people with **authority** to implement the health and safety policy.
- D** The person will need to be adequately trained, and it may be appropriate for them to have, or to be working towards, a suitable **qualification**.
- ◆ You can ask for advice on which qualification would be best (see **8**).

3 Personnel

- A** 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 (eg using dangerous equipment), 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.
- B** Provide health and safety **information** for all employees.
- ◆ You must display the poster 'Health and Safety Law: What you should know' (£7.50 from HSE Books), or distribute the leaflet. Small quantities of the leaflet can be obtained free of charge from HSE Books (see **8B**). Copies can also be printed from the HSE website, www.hse.gov.uk.
 - ◆ 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, doors to lift shafts and slippery surfaces.
- (See **Communicating with employees**, HR 32.)
- C** **Involve** employees in health and safety.
- ◆ All employees have the right to be consulted about health and safety issues which affect them.
 - ◆ It may help to set up a safety committee.
- D** 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

- A** The Fire Precautions (Workplace) Regulations lay down basic **requirements** for minimising the risk from fires. These include:

- ▶ Health and safety law is complex. This briefing 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.
- ▶ For an overview of developments in business law in 1999, 2000, 2001, and 2002, including health and safety, see the law briefings LA 7, LA 9, LA 13, and LA 16.

"Some workplaces are inherently dangerous, but the law is fairly realistic — they can't close down all the garages, sawmills, hospitals and building sites to make a safer world. What is important is that all reasonable safety measures have been taken."

*Steve Horrocks,
Chamber Business
Connections*

"As a director, it is in your interests to make sure any health and safety issues are identified and addressed. You are the one who is liable."

*Sally Richards,
employment consultant*

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- ◆ Escape routes to a place of safety.
- ◆ Fire-resistant doors and walls.
- ◆ Fire-fighting equipment.
- ◆ Fire alarms.
- ◆ Emergency lighting.
- ◆ Safe storage of inflammable materials.
- ◆ Staff training.

Under the Regulatory Reform (Fire Safety) Order fire certificates may no longer be required. A decision is expected by the end of 2004. It is also proposed that premises will be inspected on a fire-risk basis instead.

- B** 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.
- C** If you employ more than 20 people, or more than ten working above or below the ground floor, you will need a **fire certificate (see 4A)**.
- ◆ You will also need a certificate for a public building (eg a cinema or restaurant) or where more than one business operates in the same building.

Special cases

- A** *Your health and safety and fire arrangements must take into account any particular difficulties faced by the **disabled** (employees or visitors).*
- B** *Special regulations cover the employment of **young people** (below 18 years of age).*
- C** *Extra precautions need 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.*
- D** *If your business provides **food** (either to employees or to the public), you will need to register with the Environmental Health Department.*
- E** *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.*

- D** You can get help and advice from the **fire safety officer** at your local fire brigade.

5 Hazards

Risk assessment is a key part of health and safety (see **Health and safety risk assessment**, LA 4).

In addition to the general need to assess hazards, there are particular regulations to consider.

- A** You must minimise the risks from **work equipment**.
- ◆ Special regulations apply to dangerous equipment.
 - ◆ Electrical equipment must be properly inspected and maintained by a competent person.
 - ◆ Procedures must be in place to ensure that employees do not suffer excessive exposure to VDUs without rest breaks.
 - ◆ Suitable equipment and training must be provided to avoid unnecessary manual handling of heavy loads.
 - ◆ When purchasing equipment or machinery, you must satisfy yourself that it is safe.
- B** 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.
For example, heaters and trailing cables should not be left in walkways.
 - ◆ The workplace must also provide for employee welfare (see **6**).
 - ◆ You should also have a smoking policy.
- C** Under the COSHH (Control of Substances Hazardous to Health) regulations, you must assess and control the risks from **hazardous substances**.
- ◆ In a normal office environment, the risks are generally low.
However, substances such as printer and photocopier toner, adhesives and cleaning solvents can all be hazardous and must be appropriately used, labelled and stored.

6 Employee welfare

- A** You must provide enough clean, working **toilets**.

- ◆ Consider taking out legal expenses insurance in case you are sued for a breach of health and safety regulations. See **Litigation and insurance**, IN 4.

"If all you have is an office, complying with the regulations is usually easy. But you still need to do a proper risk assessment, to prove you have taken due care."

*Margaret Sharman,
Learning & Skills Council
Northamptonshire*

- ◆ 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.

B You must provide mains or bottled **drinking water**.

C Working areas should be **cleaned** regularly.

- ◆ Waste should be removed and safely stored.

D The **temperature** should be comfortable.

- ◆ Recommended levels are at least 16°C where people are sedentary 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.

E Adequate **lighting** is a requirement for both employee welfare and health and safety.

F 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.

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

- ◆ Employees who do physically demanding work usually need one.
- ◆ Provide for the needs of both smokers and non-smokers.
- ◆ 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.

Pregnant women and new mothers must be given access to rest facilities.

7 Accidents and emergencies

A You must have suitable **first aid** facilities.

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

- ◆ The HSE Information Line can provide you with guidance (see **8B**).

B Under the **RIDDOR** (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) rules, you are required to report serious injuries, diseases and dangerous incidents.

- ◆ All businesses must have an accident book that records the date and details of each accident, including the injured person's name.

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

All accidents, incidents and 'near misses' should be recorded.

- ◆ You must report any accident that causes someone to be off for more than three days (on form F2508) to the HSE or the local authority.

C You must have appropriate **emergency procedures** in case of fire or other emergencies.

8 Help and support

A The local authority — normally the **Environmental Health Department** — is in charge of health and safety for most premises used by service companies (eg offices and shops).

- ◆ It will tell you if you need to contact the Health and Safety Executive instead.

B The **Health and Safety Executive** (HSE) enforces health and safety law for factories (and all other workplaces not covered by the local authority).

- ◆ Contact the HSE's confidential information line if you need to get advice without disclosing who you are (08701 545500).
- ◆ HSE Books provides a range of free and paid-for publications (01787 881165 or www.hsebooks.co.uk).

C Your local **Business Link** can provide a range of information and advice.

D Your **trade association** should be able to advise you on particular health and safety issues for your industry.

E Independent health and safety **consultants** can also provide useful advice.

F Your local **Chamber of Commerce** should also be able to provide a range of health and safety advice.

EXPERT CONTRIBUTORS

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