

## Health and Safety in the Workplace Guide

### Overview

*Composite Legal Expenses Insurance provides advice to thousands of businesses and individuals each year through its legal advice helpline. The vast majority of calls to the helpline come from businesses seeking help on employment related matters.*

*Our expert lawyers have used their years of experience dealing with these matters to create this guide for you to use as a reference tool.*

*The guide has been condensed as much as possible to make sure you only get an overview of the area, for that reason it should not be viewed as comprehensive or as a substitute for specific legal advice.*

*If you have the benefit of a legal expenses policy with us, then the guide can be used in addition to the advice we provide and you should contact our advisors for advice in relation to any specific situations.*

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# HEALTH AND SAFETY IN THE WORKPLACE

## Health and Safety in the Workplace

Health and safety within the workplace is highly regulated, this guide is only intended to look at some of the general duties that apply.

The Health and Safety Executive is an executive non departmental public body set up to regulate and enforce health and safety laws.

Their website [www.hse.gov.uk](http://www.hse.gov.uk) is a useful source of information. There you can find lots of useful guidance and advice along with template risk assessments that can be used in various situations.

## Employers' Obligations

Employers have a common law duty to take reasonable care for the safety of their employees. This will include a duty to ensure reasonable care is taken to provide them with a safe place to work, safe tools and equipment, and a safe system for working.

The ***Health and Safety at Work Act 1974*** imposes a duty for employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees.

This will include:

- Ensuring they secure the health, safety and welfare of persons at work
- Ensuring they protect persons other than those at work against risks to health and safety arising out of, on in connection with, the activities of persons at work
- Ensuring they control and keep the use of explosive or highly flammable or otherwise dangerous substances, and generally the unlawful acquisition, possession and use of such substances

The ***Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)*** also creates the following duties:

- An employer needs to undertake suitable and sufficient **risk assessments** in relation to the health and safety risks that employees may be exposed to at work.
- Where an employer implements measures as the result of a risk assessment they must apply the **principles of prevention**. This generally involves looking to:
  - Avoid risks
  - Combat risks at source
  - Give appropriate instructions to employees
- An employer needs to **provide information to employees** about the risks that have been identified in the assessment and the measures that will be implemented as a result.

There are many other obligations, some important ones to mention are:

- Having Employers Liability Insurance (this is usually mandatory)
- Keeping accident records (an accident book)
- Displaying health and safety posters
- A duty to report certain accidents to the Health and Safety executive

## Risks

The Health and Safety Executive has powers to penalise employers for failure to comply with health and safety obligations. There can also be criminal sanctions (fines or imprisonment) that can result from enforcement action taken by the Health and Safety Executive.

Employees will generally only have a right to take action if something happens as a result of an employer's failure to comply with its duties. The failure to comply with the duties may assist the employee in establishing negligence if, for example, they were to suffer an injury as a result of the employer's failure to comply with certain duties.