

Gloucester City Council

Environmental Health Factsheet

Health and Safety Law - What You Should Know

INTRODUCTION

If you run a business you must comply with Health and Safety legislation to ensure the health, safety and welfare of your employees and to protect others who may be affected by your work activities. This includes trainees, outside contractors, visitors to your workplace and members of the public.

Every year about 500 people are killed at work and several hundred thousand more are injured and suffer ill health. Accidents cost money and time; people off work; damage to buildings, plant or product; increased premiums from civil claims, just to mention a few. These costs are often not covered by insurance. It is therefore extremely important to the health of your business that you manage health and safety effectively.

This factsheet is aimed at employers in small and medium sized businesses and explains what you need to know and the role of your local health and safety officer from this Local Authority. Further guidance and information on your duties are appended to this leaflet as identified on each subject area.

Main duties

The Health and Safety at Work etc. Act 1974 (HSW Act)

The main duties of the employer are provided by The Health and Safety at Work etc. Act 1974. This Act applies to all work activities and premises and everyone at work has responsibilities under it, including the self-employed. It sets out the 'goals' or the objectives to be achieved by the Employer to ensure health and safety, these are as follows:

1. Provide equipment and systems of work that are safe and without risks to health.
2. Ensure the safe handling, storage, transport and use of articles and substances.
3. Provide adequate information, instruction, training and supervision.
4. Maintain the workplace in a safe condition, including means of access and egress.
5. Provide a work environment that is safe and provide adequate welfare facilities.
6. Ensure non-employees are not put at risk.



ENVIRONMENTAL HEALTH

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Employees also have duties to:

1. Take reasonable care of themselves and others who could be affected by their actions.
2. Co-operate with their employer on matters of health and safety.

Self-employed persons have duties to:

1. Ensure their own health and safety;
2. Ensure the safety of non-employees who may be put at risk.

The duties above are qualified by the phrase 'so far as is reasonably practicable'. This means that the cost and effort of doing something should be balanced against the risk. The greater the risk posed by a work activity, the greater the control measures will need to be.

Health and Safety policy statements are required for employers who employ five or more people. They should include a general statement of policy, a definition of the organisational responsibilities of directors, managers and employees, and details of the arrangements for securing a safe and healthy workplace. (See Appendix 1 Ref. 2.)

Further requirements are placed on the employer by Regulations made under the above Act which include:

The Management of Health and Safety at Work Regulations 1999

These regulations make more explicit what employers are required to do to manage health and safety under the above Act and also apply to every work activity. The main requirement is to carry out a risk assessment.

Risk assessment should be straightforward in a simple workplace such as a typical office. It should only be complicated if it deals with serious hazards such as those on a nuclear power station or chemical plant. The HSE leaflet 5 steps to risk assessment will give you more information. Besides carrying out a risk assessment, employers also need to:

- make arrangements for implementing the health and safety measures identified as necessary by the risk assessment;
- appoint competent people (often yourself or company colleagues) to help them implement the arrangements;
- set up emergency procedures (such as in the event of fire);
- provide clear information and training to employees;
- work together with other employers sharing the same workplace.

Training should be carried out and may range from general induction training to more specific/complex matters. Training should be reinforced at regular intervals as appropriate. A simple, initial training checklist may include the following:

1. Company safety set up/reporting structure and review of company safety policy, including safety philosophy; safety is as important as production or any other organisational activity;
2. Fire and evacuation procedures;
3. First aid provision and location;

4. Safety Procedures - equipment/substances and any hazards/risks involved;
 - processes
 - activities
 - hazardous locations
5. Local, national and organisational health and safety rules;
6. Accident/ill health/defect reporting; and
7. Use of personal protective equipment/safety equipment is not a matter for individual choice or decision - its use is a condition of employment.

N.B. This list should not be seen as exhaustive/definitive.

Other regulations place duties on Employers in respect of particular hazards or specific areas as follows:

Specific Health and Safety Issues

1. Fire Safety

You need to assess the risk of fire in your workplace whether or not you have a fire certificate. Consideration needs to be given to:

- means of detection and giving warning in case of fire;
- the provision of means of escape;
- means of fighting fire; and
- the training of staff in fire safety.

Dangerous Substances - Fire & Explosion. You need to protect against risks from fire, explosion and similar events arising from dangerous substances used or present in the workplace. These include petrol, liquefied petroleum gas (LPG), paints, solvents and dusts which then marked with air could cause an explosive atmosphere. (See Appendix 1 Ref: 27).

Further advice can be obtained from the Fire Prevention Officer, Gloucester Fire & Rescue Service, Waterwells Drive, Quedgeley, Gloucester. GL2 2AX. Tel: 01452 753333.

2. First Aid at Work

You need to provide adequate and appropriate first aid equipment, facilities and personnel to enable first aid to be given to your employees if they are injured or become ill at work and to inform employees of your arrangements. (See Appendix 1 Ref. 15.)

3. Accident/Work-related Ill Health Recording and Reporting (RIDDOR)

You must report certain work related accidents/ill health and dangerous occurrences to your enforcing authority, which at present is this office. You must ensure that you have adequate procedures in place with staff fully aware of their respective duties.

RIDDOR reports can be notified direct to:

The Incident Contact Centre, Caerphilly Business Park, Caerphilly CF83 3GG Tel: 0845 300 9923.

INTERNET: www.riddor.gov.uk

Fax: 0845 300 9924

(See Appendix 1 Ref. 4.)

4. Electricity at Work

Electrical systems and portable appliances such as electric kettles and hoovers must be constructed and maintained in a safe condition. (See Appendix 1 Ref. 16.)

5. Hazardous Substances

The risk to health from hazardous substances, such as bleach, paints and certain cleaning products containing solvents, must be assessed (under the COSHH Regulations 2002) and any necessary control measures implemented and maintained. This may include health surveillance and monitoring the workplace for hazardous substances. (See Appendix 1 Ref. 13.)

6. Manual Handling

Manual handling activities such as lifting, carrying pushing and pulling will need to be assessed and any risks reduced so far as is reasonably practicable, where they cannot be avoided. (See Appendix 1 Ref. 8.)

7. Display Screen Equipment (DSE)

DSE includes personal computers or visual display screens and microfiche screens. Where this equipment is used at work by an employee for a significant part of his/her work you must carry out an assessment of the health and safety risks and ensure that the workstation meets certain minimum standards. (See Appendix 1 Ref. 12.)

8. Personal Protective Equipment (PPE)

PPE is required when some hazards remain where they cannot be removed by other methods such as engineering controls or safe systems of work. These include injuries to the hands and feet such as from falling materials; the eyes from flying particles or splashes of corrosive liquids. PPE should be the last resort.

You must ensure that PPE is suitable for its purpose, used and maintained so as to ensure safety. Training of employees will also be required. (See Appendix 1 Ref. 11.)

9. Work Equipment

Work equipment includes any machinery, appliance, apparatus or tool for use at work. Examples include hammers, knives, photocopiers, lifting equipment (fork lift trucks) etc. Work equipment must be 'suitable' for use, and for the purpose and conditions in which it is used; maintained adequately and inspected in certain circumstances to ensure its continued safety. Contact with dangerous parts of machinery, such as blades or rotating shafts and rollers, must be prevented. Training and instruction must be provided. (See Appendix 1 Ref. 9.)

10. Lifting Equipment

Lifting equipment is work equipment used for lifting or lowering loads, including attachments like hooks and slings. Lifting equipment must be:

- suitable, strong, stable and marked with the safe working load;
- inspected, tested and thoroughly examined on a predetermined basis, inspections should be documented;
- lifting tasks must be supervised and conducted safely (see Appendix 1 Ref. 10.)

11. Workplace

- Workplaces must be suitably ventilated, heated and lit. They should be clean and not be overcrowded and maintained in a safe condition.
- A sufficient number of sanitary conveniences and washing facilities must be provided, as should facilities for employees to rest and eat meals.
- Accommodation for non-work clothing and an adequate supply of wholesome drinking water are also required. (See Appendix 1 Ref. 24)
- Traffic routes should be safe i.e. a sufficient and with adequate width and headroom to allow people and vehicles to circulate safely with ease. (See Appendix 1 Ref. 26)

12. Compulsory Insurance

The Employers' Liability (Compulsory Insurance) Act 1969 requires all employers to take out and maintain an insurance policy to cover the cost of any accidents etc. that may arise out of your work activities. A current copy of the certificate should be displayed in your premises.

13. Health and Safety Information

Health and Safety Law information (poster or leaflets) must be provided and conspicuously displayed. The enforcing authority's address should be written in the appropriate space on the poster.

14. Record Keeping

Records that may need to be maintained/kept include:

- Health and Safety Policy Statement
- Risk Assessments, for example:
 - COSHH
 - Manual Handling
 - Display Screen Equipment
 - Noise (see Appendix 1 Ref. 14.)
 - Personal Protective Equipment
 - Violence and aggression to staff
- Accident Book (if more than 10 employees)
- Accident Forms (RIDDOR) (F2508)
- Statutory inspection certificates, for:
 - lifting plant and equipment
 - hoists and lifts
 - pressure systems (e.g. steam boilers and air receivers) (See Appendix 1 Ref. 25)
- Equipment maintenance records
- Electrical system and portable electrical appliances test (PAT) records
- Certificate
- Staff training records
- Monitoring/health surveillance records. (Re: control of substances hazardous to health)

15. Asbestos

Under the Control of Asbestos at Work Regulations 2002, there is a duty to manage asbestos in the workplace.

In practice, the duty will apply to anyone who has maintenance or repair responsibilities for the premises, through a contract or their tenancy agreement, or where there is no such legal agreement, the owner of the premises. The duty holder is required to:

- take reasonable steps to find asbestos in the premises and assess the condition of these materials
- presume that materials do contain asbestos unless there is strong evidence that they do not
- prepare a record of the location and condition of these materials and assess the risk from them
- prepare and implement a plan to manage those risks
- provide information on the location and condition of the material to anyone who is liable to disturb it.

(See Appendix 1 Ref. 5)

What to expect from your local Health and Safety Officer

The primary function of local authority Health and Safety Officers is to protect the public and workers from health and safety risks resulting from work activities.

Inspectors enforce health and safety law and have various powers under the Health and Safety at Work Act, such as the right to enter any workplace, at a reasonable time, without giving notice in order to carry out inspections. Officers also investigate complaints about health and safety matters and work related accidents.

Officers may take enforcement action such as the service of improvement/prohibition notices and/or prosecution for serious breaches of legislation. **Above all Officers seek to secure compliance from employers by providing guidance and advice.** We will, therefore, take care to help you meet your legal obligations without unnecessary expense, while taking firm action, where appropriate, against those who flout the law.

For further information, which includes free easy guide leaflets and training courses, either complete the attached form and return or contact direct:

Gloucester City Council
Environmental Health
Herbert Warehouse
The Docks
Gloucester GL1 2EQ

Tel: 01452 396396
Fax: 01452 396340
E-mail: enviro@gloucester.gov.uk

Also further information can be obtained from Health and Safety Executive (HSE) through:

Telephone: 0845 345 0055
Fax: 02920 859260
Email: hseinformationservices@natbnt.com

And leaflets can be downloaded from www.hse.gov.uk

Environmental Health Factsheet

Appendix 1

If you would like further information on the health and safety issues or regulations mentioned in this factsheet, please complete the following form and return it to Environmental Health at the address given on page 6.

Ref. No	Please send me information leaflet(s) on the following:	Yes	No
1	Managing Health and Safety at Work		
2	Health and Safety Policy		
3	Five Steps to Risk Assessment		
4	Accident/ill health reporting in line with Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).		
5	Asbestos		
6	Work-related Stress a short guide		
7	New and Expectant Mothers		
8	Manual Handling Operations 1992		
9	Provision and Use of Work Equipment Regulations 1998		
10	Lifting Operations Lifting Equipment Regulations (LOLER) 1998		
11	Personal Protective Equipment Regulations 1992		
12	Health and Safety (Display Screen Equipment) Regulations 1992		
13	Control of Hazardous Substances (COSHH 2002)		
14	Noise at Work Regulations 1989		
15	Health and Safety (First Aid) Regulations 1981		
16	Electricity at Work Regulations 1989		
17	The Health and Safety (Consultation with Employees) Regulations 1996		
18	Health and Safety Training		
19	Health and Safety (Safety Signs and Signals) Regulations 1996		
20	Driving at Work		
21	Slips and Trips		
22	Office Safety		
23	Working Alone in Safety		
24	Workplace (Health Safety and Welfare) Regulations 1992		
25	Pressure Systems - Safety and You		
26	Managing Vehicle Safety at the Workplace		
27	Fire & Explosion - How safe is your Workplace?		

NB. There are many other leaflets that are available on request.

I am / am not interested in attending a training session at the Council in how to carry out risk assessments. *

I am / am not interested in receiving further details on other health and safety training courses including those held outside the Council. *

**Delete where appropriate*

Name of your organisation:
Address: