

Frequently asked Questions Health and Safety Responsibilities

1. Isn't health and safety the responsibility of the Health and Safety Officer?

No, the Health and Safety Officer will provide advice and guidance to managers and staff so that managers and staff can carry out their work in a safe manner and reduce the risks to the lowest reasonable level. The advice and guidance from the Health and Safety Officer will allow the manager to make an informed decision based on all the necessary facts. It's up to the management and workforce in each area to implement the health and safety arrangements and ensure everyone complies with them.

2. What are my legal responsibilities?

All employees (managers, supervisors and staff) have a legal responsibility under the **Health and Safety at Work, etc Act 1974 Section 7+8:**

- To take care of their own health and safety and that of people who may be affected by what they do (or do not do).
- Co-operate with others on health and safety, and not interfere with, or misuse, anything provided for their health, safety or welfare.

If individuals fail to follow the above instruction there can be a number of consequences if a serious accident or injury occurs:

- Their involvement may be investigated as part of the accident investigation.
- It may result in disciplinary action of employees by the authority.
- It may result in criminal prosecution of the authority by the Health and Safety Executive.
- It may result in criminal prosecution of specific individuals by the Health and Safety Executive.
- It could possibly result in civil action by injured individuals against the authority or other employees of the authority.

Remember - the Authority cannot insure against criminal fines or prosecutions.

3. Isn't health and safety just a paperwork exercise?

No. If you think that, you've missed the point. The aim of health and safety is to implement effective precautions to reduce accidents. The paperwork serves a number of important functions.

- Writing things down in a structured way helps you think clearly.
- It's always easier to break a problem down into smaller sections, which are then individually easier to control.
- It provides a record of events should questions be asked at a later date.
- Most important of all, it provides an action plan that allocates clear responsibilities to get things done.
- Finally it provides a timetable to monitor achievement, and follow up anything that's fallen behind.

It is only a paperwork exercise if management and staff lack the commitment to implement the health and safety actions.

4. Who's going to pay for it? we don't have the money!

If you don't pay for it now, you'll end up paying a lot more sooner or later. You should always plan in your health and safety costs up front at the earliest possible planning and consultation stage. This will allow you to avoid the unplanned emergency costs as described below. The above excuse for not implementing Health and Safety is unlikely to satisfy a health and safety inspector or a judge. You have to look beyond the short-term immediate gains of inaction to the long-term benefits.

Look at the costs (time, money and effort) of accidents

- Absenteeism of injured person
- Replacement staff to cover injured person
- Overtime payments to recover time lost
- Repair costs to any damaged equipment / buildings
- Stoppage time due to accident
- Investigation time by managers and staff into accident
- Compensation costs
- Increased insurance premiums
- Fines and penalties from possible prosecution

Has anyone added up these costs after filling in an accident report form?

Try it – then ask yourself who's paying for it!

5. If we haven't been told, we can't be responsible for health and safety?

Ignorance is no excuse in the eyes of the law – and that applies to health and safety law as well. If you are responsible for a task or job or staff, it is your duty to know and understand what your health and safety responsibilities are, to ensure your own health and safety and anyone else's who may be affected by what you do or do not do.

Increasingly today, individuals are being held accountable for health and safety of their areas.

6. What health and safety information should our manager be providing us with?

Your manager must tell you:

- About the risks to your health and safety from current or proposed working practices.
- About things or changes that may harm or affect your health and safety.
- How to do your job safely.
- What is done to protect your health and safety.
- How to get first aid treatment.
- What to do in an emergency.

If your manager hasn't told you about health and safety – make sure you ask!

7. What must an employer provide free of charge?

The Authority must provide, free of charge:

- Training to do your job safely
- Protection for you at work when necessary to protect against a health and safety risk (such as clothing, shoes or boots, eye and ear protection, gloves, mask etc).
- Health checks if there is a danger of ill health because of your work
- Regular health checks if you work nights and a check before you start.

8. What information on health and safety arrangements should the employer display?

There is a legal requirement to display certain notices informing staff of health and safety provisions at the workplace.

- A valid Certificate of Employers Liability Insurance must be displayed in a prominent place (to demonstrate compliance with the **Employers Liability (Compulsory Insurance) Act 1969**).
- A Health and Safety law poster – what you should know, with details of the local enforcing authority and the Employment Medical Advisory Service entered into the designated spaces.
- Details of the fire and emergency procedures.
- The names and location of first aiders and first aid supplies.
- Any statutory notices relevant to the specific activity or process (e.g. under the Construction (Design and Management) Regulations 1994).
- Certain safety signs that meet the requirements of the Health and Safety (Safety Signs and Signals) Regulations 1996 e.g. Fire Exit, First Aid, No Smoking, No entry.

9. Is there any other health and safety information which the employer must make available to employees?

Yes. The following information should be made available.

- A written copy of the health and safety policy, which may be displayed as a notice in an area that is accessible to all employees.
- The name(s) of any person who have been given particular health and safety responsibilities, e.g. a health and safety officer, a first aider or a fire marshal.
- Arrangements for employees to report hazards or perceived shortcomings in the employer's health and safety arrangements.

10. Do employees have to inform their employer if they have any health conditions which could increase the risk of illness or injury at work.

Yes, because employees have a general duty under the Health and Safety at Work, etc Act 1974 to take reasonable care of their own health and safety. Employers cannot take effective safety measures to eliminate hazards or reduce risk to an acceptable level, unless they are aware of all the facts.

For example, in addition to the above general duty, Regulation 5 of the Manual Handling Operations Regulations 1992 requires employees to advise their employer of any underlying condition which may make them more vulnerable to injury e.g. employees suffering with a back complaint, need to tell their manager, so that they may be given lighter duties. If they don't tell their manager or supervisor, they may be given work that could make the injury worse.

11. What health and safety training is the employer responsible for?

Section 2 of the Health and Safety at Work, etc Act 1974 requires the employer to give such information, instruction, training and supervision as is necessary to enable safe working. This duty is comprehensive and includes training in all aspects of safety and health at the workplace. The extent of the training will vary according to the existing knowledge of the trainee and the potential severity of hazards associated with the work.

The Management of Health and Safety at Work Regulations 1999 expand upon the general duties under the Health and Safety at Work, etc Act 1974. These require that employees are provided with adequate health and safety:

- Upon recruitment
- Before being exposed to new or increased risk
- Upon internal job transfer or change of responsibility
- Upon the introduction of new work equipment or change in work equipment.

the type and extent of training given must take into account the trainee's individual learning capability, but should be repeated periodically where appropriate and be given during working hours.

12. Where can I get more information?

You can get further information from your Directorate Health and Safety Officer, telephone the HSE Infoline on 08701 545500 or you can use the following resources:

- Consulting employees on health and safety: INDG232
- Health and Safety Law poster: ISBN 07176 2493 5
- Health and Safety training: What you need to know INDG345
- Your Union Safety Representative.

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