

MODULE 1

HEALTH & SAFETY AT WORK ETC. ACT 1974

Introduction

Health & Safety at Work (HASWA) legislation forms part of criminal law and therefore must be obeyed. Breaches of legislation can result in fines or even imprisonment, which may be imposed on either companies or individuals.



Module Outcomes

When you have completed this module successfully, you will be able to:

- Understand the reasons for the legislation
- Know the duties of employer and employees
- Know the requirement for a safety policy
- Appreciate the types of enforcement notice

Legislation

The Health and Safety at Work etc. Act 1974 (HASWA) covers all employment activities apart from domestic premises. The Act is known as an 'enabling Act', which means that other legislation can be made under it. The framework of legislation is based on Acts of Parliament being passed and Codes of Practice and Guidance being made under these to explain, in greater detail, the requirements of the Act itself.

Approved Codes of Practice (ACOPs)

Approved Codes of Practice can supplement Acts and Regulations; failure to comply with Approved Codes of Practice is not an offence in itself if compliance can be achieved by some equally good practice.

Guidance

Guidance is issued by the HSC or HSE as opinions on 'best practice' but have no legal force.

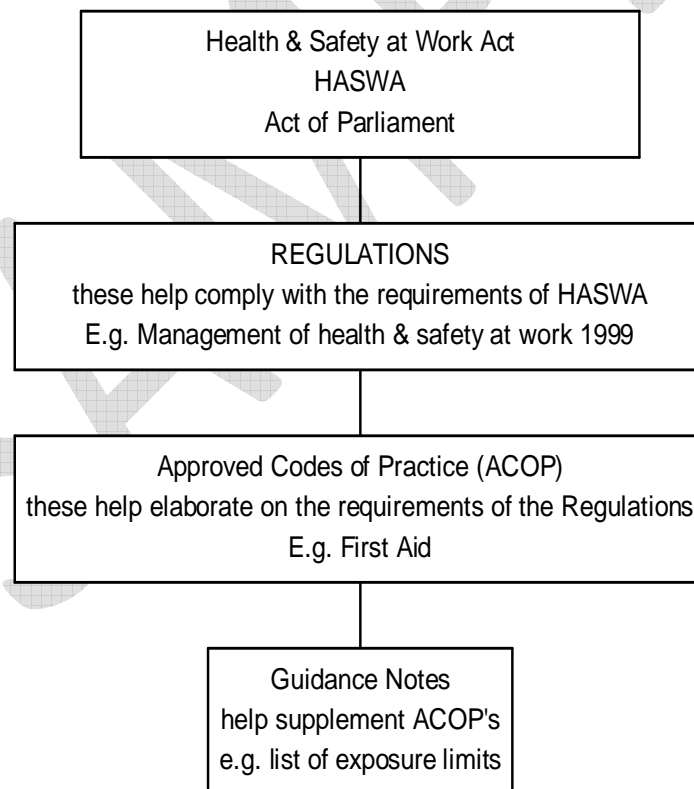
Duties of the Employer

An employer should ensure, so far as it is reasonably practicable, the health, safety and welfare of all employees. In particular this section requires the employer to:

- Provide and maintain plant and systems of work that are safe and without risk to health.
- Make arrangements to ensure that substances (e.g. solvents) can be used, handled, stored and transported safely.
- Provide information, instruction, training and supervision to ensure health, safety and welfare of employees.
- Maintain the place of work in a safe condition and without risk to health and to ensure that means of access and egress to and from the place of work are provided and maintained in a safe condition.
- Provide and maintain a safe and healthy working environment and provide adequate welfare facilities.

The flow chart below details the structure of Health & Safety legislation with HASWA as the Act of Parliament to via the Regulations and Approved Codes of Practice to the Guidance Notes, which are for information only.

LEGISLATION



The Health & Safety at Work Act places responsibilities on both employers and employees to ensure compliance with health & safety.

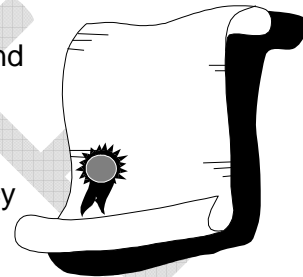
Duties of Employees

Employees should:

- Take reasonable care of their own health and safety and that of others who may be affected by their acts or omissions.
- Co-operate with the employer so as to ensure that the employer can comply with their statutory obligations.
- Not intentionally or recklessly misuse or interfere with anything provided in the interest of health, safety or welfare.

Safety Policies

'An employer (of 5 or more people) should prepare (and revise when necessary) a general statement of policy with respect to health and safety at work and in particular outline the organisation and arrangements which have been implemented to ensure that the policy is being carried out'.



This means a company should write down the arrangements in place for ensuring that the health & safety of its employees are taken into account in the day to day running of the business.

The policy should be in writing and brought to the attention of all employees. It should clearly define the roles and responsibilities of individuals and managers for health and safety. It should be signed by the most Senior Manager within the Company in order to show commitment.

Enforcement of the legislation

Enforcement Officers help ensure compliance with the law. The Health & Safety Executive (HSE) Inspectors tend to deal with premises that are considered to be of a medium to high risk such as building sites, whilst Environmental Health Officers (EHO) of a local authority deal with service sectors such as shops, offices, wholesale and catering premises, which are often considered to be of a low risk.

Enforcement Officers' prime aim is to reduce the risk of injury or ill health to people at work. They should be seen as a means of gaining expert assistance or advice on matters relating to the health & safety of people at work. They only consider prosecution when there is blatant disregard for health and safety. If you are in doubt about your legal duties or need further advice on a matter of health & safety, do not hesitate to contact them.



Should an Enforcement Officer have cause for concern that a Company may be in contravention of the Law, then as an option they are justified to serve the owner with a notice.

There are two types of notice:

Improvement Notice

If there is a breach of statutory duty and it is likely to be continued or repeated, an Improvement Notice may be served which specifies actions must be taken within a given time scale.

Prohibition Notice

If an inspector is of the opinion that there is serious risk to the safety of a person, e.g. stopping the use of a dangerous machine where guards should be fitted, but are missing and so taking the machine out of operation until brought back to the required standard.

Additionally

Enforcement officers can start legal proceedings when offences have been committed. Prosecution is more likely when there are serious breaches of the legislation, or if an employer has ignored a notice.

Individuals, including Company Directors and members of staff can be prosecuted as well as the company or organisation as a whole. Prosecution could result in unlimited fines or imprisonment for up to two years, or both.



Statutory Notices

The Health & Safety (Information for Employees) Regulations 1989 requires an employer to bring to the attention of their employees information relating to the general requirements of the HASWA. This is detailed in the Company Health & Safety Policy and also by displaying posters and leaflets.

There is a legal requirement to display the Health & Safety at Work Poster (E2) which is available from Her Majesty's Stationery Office (HMSO) which details the name and address of the local enforcing authority and Employment Medical Advisory Service. This poster should be prominently displayed in the building.

A copy of the Employers Liability Insurance should also be displayed. Use of additional posters and leaflets can also assist in communicating information to employees on specific health & safety issues.

For further information on the posters and leaflets available, contact the HSE information line (details at the back of this workbook).

Activity 1

Look for any safety noticeboards; find what items are on display.

Record your findings in the relevant Activities section of your Workbook.

HEALTH AND SAFETY AT WORK ETC. ACT 1974 - MODULE 1

ACTIVITY 1

Look for any safety notice boards, what items are on display? Detail your findings here.

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ACTIVITY 2

Obtain a copy of your Company Health & Safety Policy Statement and either attach it securely to this Workbook or provide your tutor with a copy, who will sign it off here.

Tutor signature: _____ Date: _____

ACTIVITY 3

In addition to what you found in Activity 1, list other Health & Safety notices, posters, instructions etc., displayed about your workplace.

What notices displayed	Where displayed

Now ask your tutor to check this section and provide feedback. You should both sign below, when you agree that the results of your activities meet the required standard. Then move on to complete module 1 in the self-assessment section.

Tutor Signature: _____ Date: _____

Student Signature: _____ Date: _____