

4 Jun 2020

# Health and safety at work

Outlines employers' health and safety obligations in the UK

## Introduction

The purpose of health and safety law is to ensure a safe working environment for employees. In the UK, this requires employers to meet health and safety obligations, covered by a vast range of legislation.

This factsheet looks at one of the main laws, the Health and Safety at Work Act 1974 and some associated legislation, examining employers' health and safety obligations which include carrying out risk assessments, publishing a health and safety policy, appointing health and safety representatives, and providing safety information and training. It also offers guidance on writing a health and safety policy and employers' duties at the place of work. It concludes by looking at the reporting of accidents and diseases at work.

Explore [our stance on employee health and wellbeing](#) in more detail, along with actions for Government and recommendations for employers.

## What is health and safety at work?

Health and safety at work encompasses a wide range of duties and initiatives aimed at maintaining a safe working environment for employees. There are many relevant pieces of legislation and case law which impose legal duties on matters ranging from providing insurance and written policies on health and safety, to education and training for staff, risk assessments and monitoring. There are also numerous initiatives and guidance aimed at promoting a holistic, proactive approach to health and wellbeing issues at work, improving employees' work performance and reducing sickness absence. Health and safety is sometimes also used as an excuse to justify not permitting some activity when in fact health and safety legislation doesn't apply.

In the UK, the [Health and Safety Executive](#) is the government agency which advises on legislation and guidance, and enforces them.

## Health and safety at work in the time of coronavirus

Non-essential work stopped during the COVID-19 pandemic and organisations continuing to work had reduced numbers of employees due to infection or the furlough system. There have been additional difficulties for those continuing to work in terms of workplace precautions, and mental health for those working from home or not working, during lockdown.

The next challenge is getting people back to work without jeopardising progress made on controlling the virus spread. Workplaces need to be re-opened safely, with adequate cleaning regimes and equipment checks. Social distancing will also need to continue to avoid further infections, with possibly face masks and screens where this would be difficult. Occupation levels for offices and other workplaces will be lower to ensure adequate infection controls, so homeworking where possible will need to continue. Many meetings were held online during the crisis, a trend that's likely to continue.

This raises issues of protecting the physical and mental health of employees, a task more difficult for those working remotely from home, with the need for support mechanisms. There may also be fear amongst employees in returning to workplaces, emphasising the need for precautions to reassure them that the workplace is safe to return to.

There's more on how employers should be dealing with the crisis in our [Responding to the coronavirus hub](#).

## The UK law on health and safety at work

Although a vast number of different statutes govern safety issues, health and safety at work in the UK isn't governed just by legislation. Under 'common law', all employers have a duty of care which is an obligation to protect their employees. A term is implied into all employment contracts requiring employers to take care of their employees' health and safety. For example, employers must:

- Provide a safe place of work.
- Provide a safe system of work.
- Provide adequate plant and equipment.
- Recruit competent and safety conscious staff.

If an employer fails to take reasonable care in any of these areas, an employee may be able to make a number of claims, including resigning and claiming constructive unfair dismissal and personal injury. Breach of some duties by the employer, for example failure

to provide insurance, is a criminal offence.

Employees, too, have responsibilities and should work with their employer to develop a safe place of work.

## Main UK legislation

All employers have legal responsibility under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure the health, safety and welfare at work of their employees. This is understood to include minimising the risk of work-related mental health issues as well as injury.

The Health and Safety at Work Act 1974 (HSWA) covers all workplaces, and says that an employer must do everything reasonably practicable to provide a safe and healthy workplace. The HSWA is supplemented by many statutes, regulations, codes of practice and guidance.

The Management of Health and Safety at Work Regulations 1999 set out in more detail what employers are required to do to manage health and safety under HSWA. The main requirement on employers is to carry out risk assessments - vigilant examinations of what could cause harm to people in the workplace. An employer must assess whether it has taken sufficient precautions to prevent damage and injury. For example, there's a legal duty on employers to conduct a risk assessment which could include work-related stress and to take action to address these risks where they have been identified.

Other regulations require action in response to particular hazards, or in industries where hazards are particularly high.

The Working Time Regulations 1998 are also an important piece of health and safety legislation. Our working hours and time off work factsheet gives more information, and CIPD members can find more detail in our Working Time Regulations law Q&As.

Smoke-free legislation bans smoking in nearly all enclosed workplaces, although the law doesn't apply to e-cigarettes.

The Corporate Manslaughter and Corporate Homicide Act 2007 allows a company to be convicted if it's proved there was a gross breach of an organisation's duty of care to those who died by its senior management. Convictions can lead to an unlimited fine, and court orders requiring the organisation to improve its procedures. Individuals within a company can also be prosecuted for gross negligence manslaughter.

Guidance on health and safety issues and Approved Codes of Practice (ACOPs) are published by Health and Safety Executive (HSE). The ACOPs have special legal status: if employers fail to follow them and are then prosecuted for breaches of health and safety

law, the court will find against the employer, unless they can show that they have complied with the law in some other way. Following the guidance is not compulsory but is strongly advised.

A list of relevant legislation, as well as guidance, is on the [HSE website](#). Our [Brexit hub](#) has more on what the implications of leaving the EU might be for UK employment law.

## UK employers' health and safety obligations

In the UK, employers' duties to provide a safe and healthy working environment arise from the core principles of negligence, contract, and numerous specific statutory duties.

As a minimum, employers should:

- Publish a health and safety policy if they employ more than five people.
- Take out and maintain a compulsory insurance policy, known as Employers' Liability Insurance, which covers employees against accidents and ill health.
- Arrange for the appointment of health and safety representatives.
- Establish a health and safety committee if requested by a recognised trade union.
- Appoint a competent person to evaluate risks and hazards.
- Arrange periodic risk assessments.
- Consult with employee health and safety representatives.
- Inform staff of risks and steps taken to protect them.
- Provide adequate safety training to address risks, as appropriate.
- Comply with the updated provisions concerning health and safety posters and leaflets.
- Monitor and improve safety arrangements.
- Adapt work to the individual especially with respect to the design of workplaces.
- Establish procedures to be followed in the event of serious and imminent danger to persons working in the organisation.
- Provide comprehensible and relevant health and safety information.

An international standard for Occupational Health and Safety ([ISO 45001](#)) aims to help all organisations improve employee safety and health, reduce workplace risks and create better, safer working conditions, all over the world.

Our other factsheets on [well-being at work](#), [occupational health](#), [mental health](#) and [stress](#) cover those specific areas.

### **Producing a policy**

Under the HSWA, all employers with more than five employees must have a written health and safety policy. In cases of non-compliance enforcement officers can issue

improvement notices which ultimately lead to potential criminal penalties, including large fines and imprisonment. Employers with fewer than five employees may still find it useful to put their health and safety procedure into writing.

A health and safety policy can be concise, yet still effective. It should:

- Demonstrate a commitment to managing health and safety.
- Be workable.
- Contain a general statement of intent to provide a safe and healthy working environment.
- Be easily accessible and communicated to all employees.
- Give details of health and safety responsibilities and name key individuals.
- Cover the systems and procedures in place.
- Refer to other documents where appropriate.
- Cover risk assessments.
- Include arrangements for employee consultation, maintaining equipment, safe handling of substances.
- Explain arrangements for training, supervision, accidents, first aid and emergencies.
- Address stress, and alcohol and drug misuse.

Policies should be produced after consultation with employees and after conducting surveys on staff attitudes to health and safety. They should be applied uniformly and there should be a system for regularly monitoring and reviewing the policy to ensure that it complies with current legislation.

The HSE provides further guidance on [writing a health and safety policy](#).

## **Employers' duties at a place of work**

Key examples of the employer's duties with respect to a place of work include:

- Under section 2 of HSWA, employers should provide systems of work and a working environment which are, as far as is reasonably practicable, safe and without risk to health. The duty extends to providing maintenance of safe plant and systems of work, information, training, supervision and adequate support.
- Under the Occupiers Liability Act 1957, employers should provide employees and other visitors with a safe place of work.
- All organisations must take precautionary measures to control fire risks, provide fire escape routes and training, and carry out fire safety risk assessments; those with five or more employees have additional record keeping responsibilities.
- Under smoke-free legislation, display 'no smoking' signs in all enclosed workplaces

and shared vehicles.

- The Workplace (Health, Safety and Welfare) Regulations 1992 lay down minimum standards for workplaces and work in or near buildings. Employer's duties include:
  - Maintaining the workplace, equipment, devices and systems.
  - Providing ventilation by ensuring a sufficient quantity of fresh and purified air.
  - Maintaining a reasonable temperature, and the provision of thermometers.
  - Ensuring suitable, sufficient and natural light so far as is reasonably practicable.
  - Providing a clean workplace where waste materials must not be permitted to accumulate.
  - Providing sufficient floor area, height and unoccupied space.
  - Providing suitable and sufficient sanitary conveniences at readily accessible places.

Inspectors from the local authority's Environmental Health Department, or the HSE, are responsible for enforcing health and safety law, and organisations can be prosecuted for breaches. All workplaces must be registered with either of these two bodies. Employees can report any breaches of the legislation or seek advice from them.

## Risk assessment

Every employer must regularly undertake risk assessments. There are many detailed regulations and HSE guidance that require risks in different industries to be assessed.

In a simple workplace, such as a typical office, a risk assessment should be straightforward. It may only be complicated if dealing with serious hazards in particular types of sectors, such as those on a nuclear power station, a chemical plant, laboratory or an oil rig.

Risk assessments must include, for example:

- Measures needed to comply with the health and safety fire precautions.
- Risks to young people, taking immaturity and other factors into account.
- Risks to new and expectant mothers - failure to carry out such assessments can amount to sex discrimination.

Typical risk assessments include:

- Workstations.
- Noise levels.
- Hazardous chemical.
- Handling and lifting heavy loads.

Following a risk assessment, employers must:

- Record the significant findings of their risk assessments.
- Make arrangements to implement any health and safety measures identified as necessary by the risk assessment.
- Set up emergency procedures.
- Appoint competent people to help implement the arrangements.
- Provide clear information and training to employees.
- Work together with other employers sharing the same workplace.

## Accidents and disease at work

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (known as RIDDOR) require employers to report any of the following to the HSE or the local council immediately:

- Fatal accidents.
- Major injury or conditions which require medical treatment.
- Dangerous occurrences.

Other matters should be reported quickly, by telephone preferably, followed by a written report within ten days. These are:

- Accidents that prevent a worker from doing their normal work for more than seven days.
- Certain work-related diseases (poisoning, lung diseases, infections and other conditions must be reported when linked to specified types of work).
- Certain gas incidents.

Employers are legally obliged to provide first-aiders and inform all employees of the arrangements for getting first aid. Treatment of injured workers must be addressed without delay by an appointed first-aider.

An employer must record all workplace injuries, diseases, dangerous occurrences, or certain near accidents in an accident book. Employees must also report any accidents or illnesses caused by work and record the details in the accident book.

## Useful contacts and further reading

### Contacts

CIPD members can call our [employment law helpline](#) provided by Croner which covers

advice on health and safety matters.

[Health and Safety Executive – health and safety legislation – laws in the workplace](#)

[Health and Safety Executive – guidance](#)

[Health and Safety Executive – corporate manslaughter](#)

[Health and Safety Executive Northern Ireland](#)

[Institution of Occupational Safety and Health \(IOSH\)](#) - information and resources, and a free health and safety helpline

[Acas – health and the workplace](#)

[British Safety Council](#)

## Books and reports

STRANKS, J. (2016) *Health and safety at work: an essential guide for managers*. 10th ed. London: Kogan Page.

*Tolley's health and safety at work handbook* (2020). 32nd ed. London: Tolley.

Visit the [CIPD and Kogan Page Bookshop](#) to see all our priced publications currently in print.

## Journal articles

CATTELL, F. (2018) [Why health and safety is a job for HR](#). *People Management* (online). 25 September.

DEVERY, H. (2019) [Is health and safety legislation working?](#) *People Management* (online). 19 June.

SUNDERLAND, B. (2017) [Ensuring legal safety for gig economy workers](#). *People Management* (online). 6 Feb.

CIPD members can use our [online journals](#) to find articles from over 300 journal titles relevant to HR.

Members and *People Management* subscribers can see articles on the [People Management](#) website.

This factsheet was last updated by IOSH, the Institution of Occupational Safety and Health.