

HEALTH AND SAFETY AT WORK ACT 1974

This Act was introduced to provide a single comprehensive piece of legislation covering the health and safety of persons at work. Expressed in general terms, the Act imposes over all existing legislation a duty of care on everyone at work according to their role, e.g. as an employer, employee, owner/ occupier, supplier or self-employed person.

DUTIES OF EMPLOYERS (Section 2): To ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees, in particular –

- Safe plant and systems of work
- the safe use, handling, storage and transport of articles and substances
- the provision of any necessary information, instruction, training and supervision
- a safe place of work with safe means of access and egress
- a safe working environment.

An employer (with more than four employees) must also -

- prepare a written statement of his general health and safety policy
- set down the organisation and arrangements for carrying out the policy
- revise and update as necessary
- bring the policy and arrangements to the notice of all employees
- acknowledge the appointment by recognised trade unions of employee safety representatives (SR) and consult on the arrangements for co-operation on safety measures, and means of monitoring those safety measures;*
- when requested, establish safety committees.

DUTIES OF OWNERS/OCCUPIERS (Section 3-5): An employer (or self employed person) must safeguard not only himself but anyone not in his employment who may be affected by his activities (e.g. general public) (s3).

Those in control of premises must ensure that they are safe, have safe access and egress, and that any plant or substance does not endanger health (e.g. visitors, customers) (s4)

DUTIES OF SUPPLIERS (Section 6): Persons designing, manufacturing, importing, or supplying articles or substances for use at work must –

- ensure that they are safe and without risk to health when properly used (e.g. as advised)
- provide any information necessary to ensure that they are safe and without risk to health when properly used;
- when erecting or installing articles for use at work ensure that they are safe and without risk to health when properly used.

DUTIES OF EMPLOYEES (Section 7): Every employee must -

- take reasonable care for his own health and safety
- take reasonable care for the health and safety of anyone who may be affected by his acts or omissions
- co-operate with his employer and others to enable legal obligations to be met.

OTHER DUTIES (Sections 8-9): No person must misuse or interfere with anything provided in the interests of health and safety at work (Section 8). Employees cannot be charged for anything done, or provided, to comply with legal obligations (Section 9).

POWERS OF INSPECTORS (Sections 20-25): To enter premises at any times, and to -

- take a Constable with him if necessary
- take with him another authorised person and necessary equipment
- examine and investigate, and to this end require premises, or anything in them, to be left undisturbed
- take measurements, photographs and recordings and require information from any person
- take samples subject to leaving behind a comparable sample
- dismantle or test any dangerous article or test any substance
- take possession of any dangerous article or substance for examination or for use in legal proceedings
- require information, facilities and assistance
- interview persons and take statements
- require the production of any relevant books or documents

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- to issue **improvement** notices (a notice identifying a contravention of the law, and requiring that the situation be remedied by a specified date)
- to issue **prohibition** notices (a notice identifying a risk and any actual or impending contravention of the law, and requiring that any activities cease until remedied) (Regulation 22)
- to initiate prosecutions
- to seize, destroy or render harmless any article or substance which is a source of imminent danger.

OFFENCES (Section 33): It is a summary offence to –

- obstruct enquiries authorised by the Health and Safety Commission (Section 14)
- prevent or hinder any other person appearing before an Inspector for questioning
- intentionally obstruct an Inspector
- falsely to pretend to be an Inspector

It is an indictable offence for a person to –

- fail to discharge any general duty (Section 2-7)
- contravene other duties (Section 8-9)
- attempt to acquire, possess or use explosives
- contravene any requirement imposed by an inspector
- contravene any improvement or prohibition notice or any notice requesting information to be given to the Commission
- use or disclose any information given to the Commission
- make any statement known to be false
- intentionally make a false entry in any document required by law
- forge a document with intent to deceive
- fail to comply with a Court Order