

Topic 12

Health and safety principles and coverage

12.2

The importance of health and safety practices within the workplace



PowerPoint 2:
Health, safety and compliance



SAFE
PEOPLE.
STRONGER
WORKPLACES.
**BRIGHTER
FUTURES.**



LEARNING TODAY. **SAFER TOMORROW.**



Objectives

By the end of this session, learners should be able to:



1

Understand how **health and safety legislation** affects the frequency of accidents and related incidents.



2

Identify the **persons responsible** for ensuring compliance – employer, employee, Health and Safety Executive (HSE).



3

Understand the **implications of non-compliance** with health and safety legislation.



4

Outline the importance of **mental health and wellbeing** in the workplace.



HEALTHY
PEOPLE.
SAFER
WORKPLACES.
**BRIGHTER
FUTURES.**



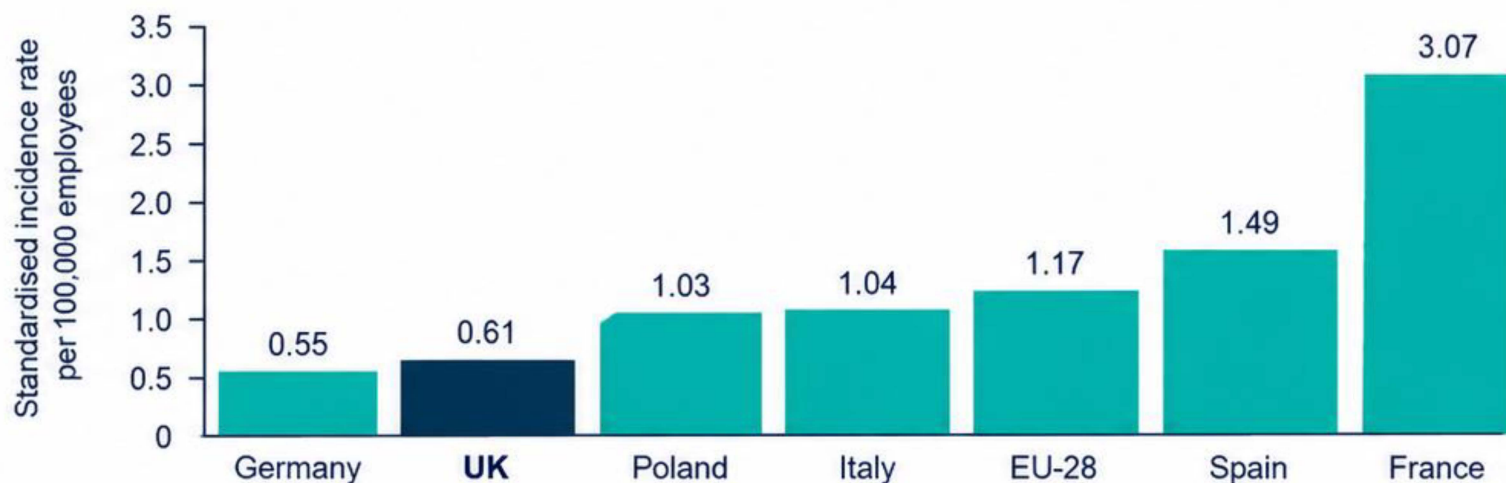
KNOWLEDGE TODAY. **SAFER TOMORROW.**



Fatal accidents in the UK and Europe

In recent years, the UK has had **one of the lowest rates** of fatal injury in Europe.

European comparisons: fatal injuries in large European economies
(Eurostat 2018)



SAFER
WORKPLACES
MAKE
**STRONGER
SOCIETIES.**

GOOD SAFETY
PRACTICE
SAVES LIVES.



PEOPLE. PRACTICE. **PROGRESS.**

How HASAWA affects the frequency of accidents

The rate of fatal injury has been **in decline** since the early 1980s, showing that in this area as well as many others the Health and Safety at Work Act (HASAWA) 1974 has been extremely effective since its introduction.



Rate of fatal injury per 100,000 workers



Source: Statistics – Work-related fatal injuries in Great Britain (hse.gov.uk)



**Stronger laws.
Safer workplaces.
Fewer lives lost.**

The introduction of HASAWA in 1974 has led to a long-term decline in workplace fatal injuries in the UK.

**SAFETY
TODAY
BRIGHTER
TOMORROW**



PEOPLE. PRACTICE. **PROGRESS.**



Health and safety law

Health and safety is covered by both **criminal** and **civil** law.



Criminal law

Enforces a code of conduct. The state can impose punishment when breaches have occurred.

Can result in fines, prosecution or imprisonment.



Civil law

Allows an individual who has suffered harm to claim compensation or seek an injunction to prevent further harm.

Helps individuals get justice and prevents further harm.

Two sources of law define codes against which behaviour can be judged.



Common law

Is developed by courts over time, based on precedent (i.e. previous opinions by judges and tribunals).



Statute law

Is written law passed by a body of legislature (government). Failure to comply is normally a criminal offence.



**KNOW
THE LAW.
KEEP PEOPLE
SAFE.**



LEARNING TODAY. SAFER TOMORROW.



Compliance

The following groups of people are responsible for ensuring compliance with health and safety legislation:



Employers

Must provide a safe working environment, assess risks, provide training and ensure compliance with the law.



Employees

Must follow safe working procedures, use equipment correctly and take reasonable care for their own and others' safety.



Health and Safety Executive (HSE)

Enforces health and safety law, provides guidance, inspects workplaces and can take enforcement action when necessary.



Find out more:

[HSE: Information about health and safety at work](https://www.hse.gov.uk)



KNOW THE LAW. WORK SAFER TOGETHER.



The HSE

HSE inspectors can:



Inspect engineering sites.



Give **guidance and advice** on work or processes.



Take photos and samples.



Talk about and discuss situations and/or problems.



Seize evidence, equipment or materials.



**INSPECT.
ADVISE.
SUPPORT.
SAFER
WORKPLACES.**

THE HSE WORKS
WITH BUSINESSES
AND INDIVIDUALS
TO PREVENT HARM.



PEOPLE. PRACTICE. **PROGRESS.**



HSE inspectors



Health and safety inspectors have the **legal right** to enter a workplace **without giving notice**, although notice may be given where the inspector considers it appropriate.



On a normal inspection visit, an inspector will look at the place of work and assess working activities and how health and safety is managed, to ensure that the employer is **complying with health and safety law**.



The inspector may **offer guidance and advice**, talk to employees, take photographs and samples and, if a risk to health and safety is perceived, serve an **improvement notice** or take more stringent action, which at its most extreme means closing a business, or part of a business, down (**prohibition notice**).



**INSPECTION
SUPPORTS
SAFER
WORKPLACES.**

GUIDANCE
TODAY.
SAFER
TOMORROW.



KNOW THE RULES. WORK SAFER TOGETHER.



Non-compliance and enforcement

There are several courses an HSE inspector may take in response to a breach of regulations.



Verbal or written information and advice (informal action).



Issue of an **improvement notice** (where HASAWA is contravened).



Issue of a **prohibition notice** (as above with serious risk of injury).



Prosecution in the criminal court.



In the case of a death resulting from a work activity, a manslaughter investigation will be considered. This will be investigated by the police, with assistance from the HSE.



PEOPLE. PRACTICE. **PROGRESS.**



COMPLIANCE
TODAY.
**SAFER
WORKPLACES
TOMORROW.**

ENFORCEMENT
PROTECTS PEOPLE
AND PREVENTS
FURTHER HARM.



Informal action



Where the breach of the law is **comparatively small**, an inspector will **advise the duty-holder** on what action should be taken to conform with the requirements of the law.



If required, this information can be given in **writing or verbally**.

Key points:

- ✓ Used for minor breaches of the law
- ✓ Provides advice and guidance
- ✓ Helps duty-holders take corrective action



SMALL
BREACHES.
BIG
IMPROVEMENTS.

ADVICE TODAY.
SAFER
TOMORROW.



KNOW THE LAW. **WORK SAFER TOGETHER.**



Improvement notice



More severe breaches will receive a **direct order** from an HSE inspector to take specific action **in order to comply with the law**.



The inspector will discuss the **improvement notice** with the duty-holder and resolve points of difference before serving it.



The notice will say **what must be done, why and by when**.



The time period to take the corrective action will be a **minimum of 21 days**, to allow the duty-holder time to appeal to an industrial tribunal.



KNOW THE LAW. WORK SAFER TOGETHER.





Pause to **discuss**: improvement notices

1

What is an improvement notice?
Discuss in small groups.



2

Who issues improvement notices?



3

What should an organisation do
if they receive one?



PEOPLE. PRACTICE. **PROGRESS.**





Prohibition notice



Where an activity involves a risk of serious personal injury, the inspector may issue a **prohibition notice**, forbidding the activity either immediately or after a specified **time period**.



This notice **will not be lifted** and work will not be allowed to resume until corrective action has been taken.



There will be a **formal record** of the non-conformance.



**STOP
DANGEROUS
WORK.
PROTECT
LIVES.**

COMPLIANCE
KEEPS
PEOPLE SAFE.



KNOW THE LAW. WORK SAFER TOGETHER.



Prosecution



In some cases, **prosecution** may be deemed necessary.



Failure to comply with an improvement or prohibition notice, or a court remedy order, can carry a **fine or imprisonment**, or both.



Unlimited fines, and in some cases imprisonment, may be given by **higher courts**.



**BREAK
THE LAW.
FACE THE
CONSEQUENCES.**

SAFER
WORKPLACES.
STRONGER
FUTURES.



PEOPLE. PRACTICE. **PROGRESS.**



Non-compliance: a case study



A gas engineer fell through a ceiling due to there not being adequate light for him to work in an attic.



The employer was **found guilty** of not providing adequate equipment for the employee which led to him falling through the ceiling and sustaining several serious soft tissue injuries.



In this case the claim was settled for **£10,000**, of which the employer only paid **£250** (due to having insurance).



SAFE
WORKPLACES
**PREVENT
ACCIDENTS.**

COMPLIANCE
PROTECTS
PEOPLE AND
BUSINESSES.



LEARN FROM REAL CASES. **MAKE SAFER CHOICES.**



Mental health and wellbeing



Mental health is about how we **think, feel and behave**. Anxiety and depression are the most common mental health problems. They are often a reaction to a difficult life event, such as bereavement, but can also be caused by work-related issues.



Employers have a **duty** to help manage and prevent stress by **improving conditions at work**, and by **making adjustments** to help manage a person's mental health problem.



According to the HSE in 2021, **822,000** workers suffered from work-related stress, depression or anxiety.



SAFE PEOPLE. SUCCESSFUL FUTURES.



**HEALTHY
PEOPLE.
STRONGER
WORKPLACES.**

SUPPORT
MENTAL HEALTH
AT WORK.

Any questions?



Ask • Discuss • Clarify • Learn



GOOD
QUESTIONS
LEAD TO
GREAT
LEARNING.

THINK.
CHALLENGE.
IMPROVE.



PEOPLE. PRACTICE. **PROGRESS.**