

# Health & Safety At Work Act 1974

## Introduction:

The Health & Safety at Work Act 1974 is known as primary legislation, which is legislation passed by UK Parliament, an umbrella or enabling act. The act sets out the general duties for both employers and employees for managing health & safety within most workplaces. Being an 'Act' there is a provision within that legislation to create new sets of regulations, which also must be followed.

## Knowledge Check:

**Which other health & safety related Acts, regulations, ACOPS, guidance documents can you name? (Discuss with the team)**

Examples may include: Management of Health and Safety at Work Regulations 1999. The Regulatory Reform (Fire Safety) Order 2005. RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995).

COSHH, LOLER, Safe Use Of Equipment, Manual Handling, Personal Protection, Display Screen Equipment.....



## Key points of the act:

The act places a general duty to 'ensure so far as is reasonably practicable the health, safety & welfare at work of all their employees'.

**What do you think is meant by reasonably practicable? (Seek Engagement From Those Present/Discuss)**

Basically, where there is a hazard within the workplace, the employer must seek to do everything possible to eliminate or minimise it where possible. This can be done by looking at the likelihood of a risk occurring, the severity of the risk and the 'reasonable' steps required to remove it.

Removing any hazard is often a balance of three main factors: time, money or trouble. The employer must assess each individual hazard and balance the three factors against it.

An Employer isn't expected to eliminate all risks within the workplace, but they do have to demonstrate they have taken reasonable steps to manage it.

**Can you think of any examples of something that is/isn't reasonably practicable?**

# General Duties Under The Act:

## General Duties Of the Act For **Employers**-

Under the act the **employer** has a legal duty to provide:

- Safe plant and equipment
- Safe methods of work
- Safe use of work articles and substances
- Information, instruction, training and supervision
- A safe place of work with safe access and egress
- A safe work environment with adequate welfare facilities
- Free protective clothing

## General Duties Of the Act For **Employees**-

Under the Act the **employee** has a legal duties to:

- Safeguard your own health and safety and that of others who may be affected by your actions
- Cooperate with employers to help them comply with their legal duties
- Not interfere with anything provided for health & safety

## What If Things Go Wrong?

In the event of enforcement action being taken by the HSE as a result of breaching the Act, its possible that two forms of action may be taken. **Do you know what these are?**

- Notices:

Improvement— Generally sets out the issues found and actions/timeline to put things right.

Prohibition— Prohibits use of equipment or even a complete shutdown of the premises.

- Prosecution:

Unlimited fines

Imprisonment

**REMEMBER— Both the Employer & Employee can be liable.**

# Register

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