

Legal Responsibilities and Penalties

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THE LEGAL RESPONSIBILITIES OF EMPLOYERS, EMPLOYEES AND SELF EMPLOYED PERSONS ARE SET OUT IN THE HEALTH AND SAFETY AT WORK ACT 1974

This Briefing is UK legislation specific.

Did you know that...

Section 2(2) requires employers to:

- provide and maintain safe plant and systems of work
- ensure safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances
- provide information, instruction, training and supervision
- maintain condition of places of work, and provide and maintain safe means of access to and egress from them
- provide and maintain a safe working environment and adequate facilities and arrangements for employees' welfare.

Section 2(3) obliges employers to provide, and revise as necessary, a written statement of their policy on health and safety.

Section 2(6) calls upon employers to consult with employees' representatives.

Sections 3 and 4 impose general duties with regard to the safety of persons other than employees upon employers and the self-employed and on persons having control of non-domestic premises.

Section 5 requires persons in control of certain premises to prevent the emission of harmful substances into the atmosphere.

Section 6 lays down specific duties on designers, manufacturers, importers and suppliers in relation to the safety of articles (including fairground equipment) and substances for use at work, as follows:

- ensure articles are designed and constructed such that they will be safe and without risks to health when they are being set, used, cleaned and maintained, and carry out such testing and examination necessary for the performance of this duty
- provide adequate information about the use for which articles are designed or have been tested and about any conditions necessary to ensure that they will be safe and without risks to health when used for the above purposes and when they are being dismantled or disposed of
- provide revised information when anything about articles give rise to a serious risk to health or safety
- carry out any necessary research to discover and eliminate or minimise any risks to health and safety to which the design or articles may give rise
- ensure that there is nothing about the way in which articles are erected or installed which makes them unsafe or a risk to health
- ensure substances will be safe and without risks to health at all times they are being used, handled, processed, stored or transported, and carry out such testing and examination necessary for the performance of this duty
- provide adequate information about any risks to health or safety to which the inherent properties of the substances may give rise, about the results of any relevant tests which have been carried out on or in connection with the substances and about any conditions necessary to ensure the substances will be safe and without risks to health when used for the above purposes and when they are being disposed of
- provide revised information when anything about substances give rise to a serious risk to health or safety
- carry out any necessary research to discover and eliminate or minimise any risks to health and safety to which substances may give rise.

Sections 7 and 8 call upon employees to take reasonable care for the health and safety of themselves and others who may be affected by their acts or omissions.

Section 21 requires persons served with an improvement notice by HM inspectors of health and safety to remedy the contravention of one or more of the relevant statutory provisions specified on the notice.

Section 22 requires persons served with a prohibition notice by HM inspectors of health and safety to cease the activity until the matters specified in the notice and any associated contraventions have been remedied.

For more information consult the Health and Safety at Work (etc) Act 1974, as amended by the Consumer Protection Act. Both are obtainable from the HSE. <http://www.hse.gov.uk/>

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