



## Health and Safety update Cutting through the red tape

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### Did you know?

- Employers with five or more employees must have a written health and safety policy;
- All employers and self employed people have to assess the risks to employees, customers, partners and any other people who could be affected by their activities;
- Employers with five or more employees have to record the significant findings of their risk assessments;
- Employers have a duty to involve their employees or their employees' safety representatives on health and safety matters;
- Employers need to consult employees about their risks at work and current preventive and protective measures;
- Employers have to provide free health and safety training and protective equipment for employees where it is needed;
- Employers have to arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures; and
- Employers must ensure they have access to competent health and safety advice.

### What If I do not comply with these requirements?

Failure to comply with these requirements can have serious consequences – both for organisations and individuals. Sanctions include fines, imprisonment and disqualification.

Where there is a fatality at work, under the Corporate Manslaughter and Corporate Homicide Act 2007 an offence will be committed by a company where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's employees, non-employees or members of the public. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.

### What are your duties?

The health and safety legal regime in the UK is based on principles of risk management and ensuring, so far as is reasonably practicable, the health and safety of all those affected by your business. Specific duties are also placed, in certain circumstances, on others, including landlords, licensees and those in control of work activities, equipment or premises.

The relevant law includes:

- Health and Safety at Work etc Act 1974;
- Management of Health and Safety at Work Regulations 1999 and numerous other health and safety regulations, which deal with matters such as working at height and noise; and
- Corporate Manslaughter and Corporate Homicide Act 2007.

Health and safety may sound like a headache for SME's but in actual fact compliance is easier than you think. Complying with the steps outlined above can help ensure your business complies with the basics.

### Further information

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