

Davidson & Partners
HEALTH & SAFETY POLICY

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Section A

INTRODUCTION – INFORMATION FOR OUR STAFF

1. WHY IS A POLICY NEEDED?

A written statement of general policy with respect to health and safety at work is a legal requirement for any employer of at least 5 or more persons. This is in order to formalise the action plan of the organisation and was included as a requirement in the main current enabling act on health and safety, the Health and Safety at Work Act 1974. The aim of this requirement is to underline the need for clear objectives, organisation, effective arrangements and for a monitoring system when resolving complex problems of health and safety at work. It is, therefore, a vehicle for the structuring, promotion and ongoing maintenance of the health and safety programme of the organisation.

2. KEY ATTRIBUTES OF A POLICY

Any policy needs clarity, conviction, the full commitment and authority of the top level of management and a structure and content that are effective for the organisation concerned.

Any health and safety policy is essentially a management document and must be understood by all managers and workers to be consistent and compatible with the main operational objectives of the organisation.

When properly used the policy should influence all activities and decisions, including those concerning the selection of resources and information, the design of working systems, the delivery of products and services, and the control and disposal of materials and wastes.

The policy belongs to everyone and all employees should feel involved in attaining its objectives and in interacting with it. Co-operation is to be encouraged, not just compliance.

3. WHY ARE YOU READING IT?

This document forms the main legal instrument by which information about health and safety is communicated to you by your employer. As your employer we have a duty to bring it to your attention and you should read it.

Whatever the reason, you will benefit from reading it because you will be better informed about arrangements to protect you and the assistance available to solve health and safety problems you may face at work.

4. WHAT SHOULD YOU GAIN FROM READING IT?

At the least reading the policy should tell you something about the following points:

- The commitment by the organisation to health and safety
- Which employees have signed to accept the policy
- Which employees are responsible for policy implementation and review
- The co-operation and involvement required of all employees
- Where to seek advice on health and safety matters and what is available

and from the Appendices:

- The accident reporting requirements
- Basic duties and the most relevant legislation.

5. CIRCULATION

This policy statement must be brought to the attention of all employees.

(It is not necessary to provide a copy for each employee, but simply to provide access to a copy.)

An electronic copy is kept at all times on Davidson & Partners computer network.

Section B

HEALTH & SAFETY POLICY STATEMENT

1. INTRODUCTION

The purpose of this section is to set out the fundamental policy objectives of Davidson & Partners as general aims and commitments.

2. THE POLICY STATEMENT

- 2.1 It is Davidson & Partners policy to operate its business at all times in such a manner as to promote and ensure the health, safety and welfare of all persons affected by its operations, whether or not they are its employees.
- 2.2 It is Davidson & Partners policy to comply fully with the requirements of the Health and Safety at Work Act 1974 and, so far as is reasonably practicable, ensure that:
- (a) all systems of work and the working environment are safe and without risks to health
 - (b) all premises occupied by the Company, access thereto and egress therefrom are maintained in a condition that is safe and without risks to health
 - (c) staff receive suitable instruction, information and training in respect of and to ensure that the health and safety at work of themselves and of others
 - (d) necessary arrangements are made for the provision of first aid
 - (e) safety representatives are provided with such facilities, assistance and information, and allowed such time off, as is required by relevant approved codes of practice.
- 2.3 It is the belief of Davidson & Partners that people are our most important asset. It is therefore our duty and intention to minimise danger and to promote the well-being of all affected persons by the adoption of safety management principles and a proactive approach, and by promoting co-operation in all health, safety and welfare matters at all levels.
- 2.4 Davidson & Partners understands that health and safety management is an important responsibility and a key component in the delivery of quality. The Company will therefore endeavour to integrate such management in its planning and operational decision-making and assess and control the dangers in all aspects of its activities.

- 2.5 Davidson & Partners accepts that it bears the liability and accountability as the Employer and allocates the responsibility for ensuring that its general duties are met to its Managers and employees. It therefore requires that the above principles are put into effect; this document sets out the organisation and arrangements for the performance of these responsibilities.

Section C

RESPONSIBILITY FOR CARRYING OUT THE POLICY

1. INTRODUCTION

The purpose of this section is to clarify the delegation of responsibilities. It describes the general duties of the personnel concerned. Employee duties apply to everyone (see paragraph 4).

2. MEMBERS OF THE MANAGEMENT TEAM

2.1 For the purposes of the 1974 Act, Davidson & Partners is the Employer. It therefore bears total or partial liability for any breach of its general duties, or breaches of the various Regulations made under it. It remains accountable in law but may delegate its responsibilities.

2.2 Members of the Management Team are encouraged to take an active interest in Health and Safety aspects of all the Company's business at the planning, development and operational stages of all activities.

2.3 Members of the Management Team are directed to ensure that they adequately assess the competence of any person to whom they delegate duties and, as far as reasonably practicable, provide them with sufficient training and resources to discharge their duties.

3. HEALTH AND SAFETY NOMINEE

3.1 The Company has delegated the duty to ensure that its responsibilities are met to Robin West (Finance Partner). He has the duty to inform the Board about the effectiveness of such delegated duties and any issues arising from them, particularly where liability issues may arise.

3.2 Robin West is, therefore, responsible for ensuring workplace policies and their associated arrangements are implemented and reviewed. Specialist advice, inspection and support are to be procured and co-ordinated by Robin West on behalf of the Company. He will also maintain the primary relationship with regulating authorities.

4. EMPLOYEES

4.1 All employees are directed that they must at all times take reasonable care for their own health and safety, and that of any other person within their work area, or likely to be affected by their work activities. This includes not only Davidson & Partners employees, but all members of the public including clients, visitors etc. In addition they are required to co-operate with Robin

West to enable him to carry out his duties on behalf of the organisation.

- 4.2 Employees are encouraged to report any circumstances leading to significant foreseeable health and safety policy problems. Anyone doing so, in the proper manner and with good reasons, will be supported by management for making such a report, even if it proves invalid upon further investigation, or has a negative effect upon the delivery or services or resources. Reports should always be made to your supervisor in the first instance, and if this fails to have the appropriate effect then direct to Robin West.

Section D

MANAGING THE HEALTH AND SAFETY POLICY

1. HEALTH AND SAFETY MANAGEMENT STRATEGY

- 1.1 The operational methods and systems used in achieving health and safety management are many and varied. They include systems, guidance, monitoring and management by Robin West (as the nominated employee with particular responsibilities for health and safety). Therefore no single detailed strategy is laid down in this policy. Appendix 1 summarises the HSE approach to safety management, which is recommended as base model and underlies the current strategy pursued by Davidson & Partners.
- 1.2 Appendix 2 contains a list of useful reference material which can assist in formulating approaches to health and safety management.

Davidson & Partners already possess access to copies of this material including:

- An Introduction to Health and Safety
- Workplace Health Safety and Welfare - a short guide for managers
- Health and Safety at Work etc Act - The Act Outlined
- Health and Safety at Work etc Act - Advice to Employers
- Officewise
- 101 Tips to a Safer Business
- First Aid at Work
- Working with VDUs
- Everyone's guide to RIDDOR 95
- Maintaining portable electrical equipment in offices and other low risk environments

2. REFERENCE FILE

- 2.1 There is a central health, safety and welfare file kept at the London office. This contains copies of information leaflets and records and should be used to keep employees informed of health and safety issues.
- 2.2 The need for reference files, and for records of all kinds, particularly on accident and incident reports, information given to employees, management structures and documents, and risk assessments is ever increasing. It is the responsibility of Robin West to ensure that adequate records are kept and that all the information required by law is appropriately recorded.

3. INDUCTION TRAINING

- 3.1 This policy and other safety documentation relevant to their job description must be drawn to the attention of new employees during their induction.
- 3.2 Whether or not induction training has been completed, no employee must be engaged on any work for which sufficient information, instruction and training to provide adequate basic safety for them and their colleagues has not been given. This also applies to new tasks for existing employees.

4. MONITORING AND INSPECTION

- 4.1 Self-regulation and feedback about effectiveness are essential parts of health and safety management.

Robin West has overall responsibility for health and safety inspection. It is stressed, however, that responsibility for the vast majority of monitoring falls to individual employees. All staff should be aware of the systems in place for accident and incident reporting and are encouraged to talk to their supervisor or Robin West if concerned about any health and safety issues at work.

- 4.2 Davidson & Partners has a responsibility to record the significant findings of any assessments undertaken. This means writing down the significant hazards and conclusions. The findings must also be reported to employees. Copies of such information are kept in the central health, safety and welfare file.

5. DANGERS, HAZARDS AND RISKS

- 5.1 Legislation has made a formalised risk assessment of most activities a legal requirement. In some cases more specific legislation (Regulations) place particular requirements eg:

- Electricity at work
- Display Screen equipment (1992)
- Manual handling (1992)

In all other cases, assessment is required by The Management of Health and Safety at Work Regulations (1992).

Telephony

Given the nature of the work we do perhaps the most prevalent H&S risk that is confronted by our employees is from the risks of electro-magnetic fields (EMFs) associated with the use of mobile phones. There is no explicit UK legislation that limits people's exposure to EMFs,

including the radio waves used in mobile telephony, but there are a number of other regulatory and voluntary routes through which exposure is controlled.

UK Health and Safety Legislation

Although there is no specific legislation limiting exposure to electromagnetic fields in the UK, there is enabling legislation in the form of Acts of Parliament affecting health and safety. Such legislation includes the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

The safety legislation above is general in its scope in that it does not explicitly mention EMFs, however, inspectors from the Health and Safety Executive accept compliance with the advice from HPA as evidence that exposure to EMFs has been adequately controlled.

In the absence of definitive guidance on the matter from HSE our company policy is to minimise the exposure of our staff to any hazards that may be presented by EMFs arising from excessive use of mobile telephony. To that end we encourage staff to use landlines which is facilitated by our policies encouraging home-working. (The installation and use of dedicated land-lines from homes will be reimbursed by the company on production of valid receipts.)

The significance of these requirements are that they place a pro-active emphasis on a planned approach to health and safety, wherein all foreseeable dangers must be considered and controlled to acceptable levels.

- 5.2 Each individual is therefore entitled to a risk assessment of their duties and places of work. This is usually conducted by compiling an inventory of the foreseeable significant dangers arising in all operations managed by them.

- 5.3 Davidson & Partners is expected to make arrangements, so far as is reasonably practicable, to ensure that working conditions are safe and without risks to health, in respect of:

systems of work, use, handling, storage and transport of articles, place of work and its condition and maintenance, access and egress, working environment, facilities and arrangements for employee welfare.

It follows that as a result of risk assessments managers should review all these aspects and satisfy themselves that appropriate arrangements are in place.

- 5.4 Where it is deemed appropriate arrangements are not in place an action plan must then be prepared to make any changes required to achieve current health and safety standards.

The procedure for this is as follows. The person responsible for conducting the assessment should complete a risk assessment report including recommendations for action. This should be forwarded to Robin West.

Where the recommendations are of a minor nature, e.g. moving trailing wires or badly positioned VDUs, Robin West will action the changes immediately.

If such assessments identify many needs for change or improvement, require policy changes or significant expenditure, the report (along with its recommendations) will be considered by the Management Team at the next Management Meeting. If circumstances demand, a special meeting of the Management Team will be convened to consider the issues in question.

- 5.5 The Management Team are advised to prioritise action planning to match available resources where this does not directly and significantly prejudice the health and safety of any individual.

When considering what further measures can be introduced the following points are useful:

- it is always better to avoid risk altogether, for example, by not using dangerous equipment if possible
- it is better to combat risks at source rather than just providing warnings (e.g. repairing/replacing a frayed carpet is better than providing a warning sign)
- work should always be adapted to individuals and their capabilities, such as selecting appropriate equipment and working methods
- technological progress may help improve working methods and make tasks safer
- give priority to measures which protect the whole workplace and everyone who works there – they will yield the greatest benefit
- don't forget employees need to understand what they are required to do.

- 5.6 Given the work undertaken by Davidson & Partners employees at present is essentially intellectual, analytical and consultative in nature, there are no identified special risks arising from working with potentially dangerous equipment or chemicals. It follows that at present there are no written procedures for dealing with such risks. Special risks could potentially apply when working away from the office and on a different site but here the same expectations exist for the London HQ office. Employees are advised to identify any potential hazards and the risks from them, to obtain information from others on site and to take what action seems necessary.

- 5.7 Employees are directed to report any new dangers, hazards, special risks or changes in circumstances which foreseeably may affect health and safety to their supervisor as soon as is reasonably practicable.

6. INCIDENT AND ACCIDENT REPORTING AND INVESTIGATION

- 6.1 All occupational accidents causing injury or ill health are to be reported in compliance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1985. (See Appendix 3 for further details.)
- 6.2 Any incident that is reportable under RIDDOR must be reported immediately to Robin West and Members of the Board. Any such incident may trigger an internal investigation, and when the RIDDOR report reaches them, a further investigation by the Health and Safety Executive (HSE). It is in the best interests of all employees that an internal investigation is carried out as soon as possible, and it is essential that they co-operate with any investigation work and allow a rapid follow up to proceed unhindered.

7. CONTRACTORS

- 7.1 When putting work out to contract, where possible, Davidson & Partners will seek to employ only those contractors who demonstrate competence in the management of health and safety matters.

Staff are reminded that in many cases, particularly where Company property is involved, some health and safety responsibility is retained by Davidson & Partners when contractors are at work. On such occasions it is wise for a manager to assure for the Company that health and safety management is both suitable and sufficient.

8. FIRE AND EVACUATION

- 8.1 It is important that procedures to be followed in the case of fire or other emergency evacuations of premises are recorded, rehearsed and if possible displayed in premises. Fire drills should be held at least annually.
- 8.2 Where a Fire Certificate is in force all the requirements and conditions of that certificate must be met.
- 8.3 It is also important to ensure that there is an audible fire alarm and that fire alarms are tested at least once in every three month period.

9. FIRST AID

- 9.1 It is the responsibility of Michael Dobson to maintain a first aid box at the London office. In the event of a minor accident this is available for use by any member of staff.

Section E

INCENTIVES, PENALTIES AND SANCTIONS

1. INCENTIVES

- 1.1 Proper regard and an active interest in the promotion of health and safety should form part of the professional profile of all employees and should be encouraged wherever possible. A positive safety culture, reinforced by regular interest, support and encouragement by management for any contribution by staff will do more to ensure health, safety and welfare than any inspection or enforcement programme.
- 1.2 All employees are encouraged to take a positive attitude to health and safety matters as this is for their direct benefit. They are also invited to foster this in their colleagues and to make their suggestions for improvements known to their supervisors.

2. INTERNAL SANCTIONS

- 2.1 Any disregard of instructions or negligence may, depending upon the circumstances, constitute a disciplinary offence. Employees must expect that such offences will in certain circumstances be regarded as amounting to gross misconduct, rendering them liable to summary dismissal.

3. LEGAL SANCTIONS

3.1 Criminal Law

Primary safety legislation, including the Health and Safety at Work Act 1974 and all Regulations made under it are criminal law, and usually the burden of proof is on the defence to demonstrate that all reasonable steps have been taken. Prosecutions are brought in Magistrates and Crown Courts. Convictions can be corporate or personal, and all those in employment may be personally liable to imprisonment or fines in respect of their acts or omissions at work.

Actions are usually brought by the HSE following a RIDDOR reported incident and their investigations. The police can also be involved and the crown prosecution service may in serious cases bring actions under other criminal law, eg. for manslaughter.

As some occupational diseases have a delayed onset, such actions may occur years after employment has ceased, creating a need for comprehensive records.

Criminal conviction, upon the legal test of 'beyond reasonable doubt,' is often followed by civil action for damages by parties suffering injury or loss.

3.2 Civil Law

Civil actions for damages in regard to negligence are also possible, often involving large sums in damages and costs. There are often brought without any action in criminal law.

As for criminal actions because some occupational diseases have a delayed onset, civil actions may occur years after employment has ceased, creating a need for comprehensive records.

Again employees may be personally liable, particularly if they are not complying with any and all published Davidson & Partners policy and health and safety guidance, but based this time upon the less stringent civil law test of 'the balance of probability'.

Vicarious liability is liability of one person for the acts and omissions of others. Where a person can show that they acted upon the instructions of another, or were improperly managed or instructed by them then vicarious liability may attach to the second person. This principle applies in civil law.

Section F

ACCEPTANCE OF THE POLICY

Through this policy document Davidson & Partners demonstrates its responsibility to operate its business at all times in such a manner as to promote and ensure the health, safety and welfare of all persons affected by its operations.

Davidson & Partners accepts that it bears the liability and accountability as the Employer. It will therefore continue to endeavour to minimise danger and promote the well-being of all affected persons by promoting co-operation in health and safety matters at all levels.

Signed:

Davidson & Partners

Date: 1st July 2012

Appendix 1

SAFETY MANAGEMENT PRINCIPLES SUMMARY

1. OBJECTIVES

For modern safety practice and management these are in general terms:

- i) to make the workplace safer for all concerned
- ii) to manage health, safety and welfare as an integral part of daily management
- iii) to take a pro-active stance on health, safety and welfare issues, thereby preventing as well as controlling adverse incidents

When complying with the legislation it is easy to forget the above because a mass of detail and obstacles present themselves and the impulse is to achieve compliance and then switch your attention to something else.

2. SAFETY MANAGEMENT PRINCIPLES

The main objectives of health and safety management over and above safety practice are:

- i) to prevent injury or loss
- ii) to improve employee and customer well-being and satisfaction
- iii) to project a good image
- iv) to enhance quality
- v) to comply with the law.

The Health and Safety Executive (HSE) have identified 5 steps for health and safety management, and related issues:

1) Set a policy

Written, who, how, assessment mechanisms, what controls, staff information, effectiveness

2) Incentivise your staff

Achieve competence, control, co-operation, communication, allocate responsibilities to individuals, consult, inform, ensure adequate expertise, get specialist help

Plan and set

3) Set Standards

These must be measurable, achievable, realistic, prepare a plan, design health and safety into new projects, do risk assessments and set standards for premises, procedures and people. Implement the standards and assess if they achieve adequate control.

4) Measure Performance

Measure performance and use pro-active and reactive monitoring, find out how well you perform, check your standards, check legal compliance, examine records for accuracy and sufficiency.

Learn from and Evaluate Experience

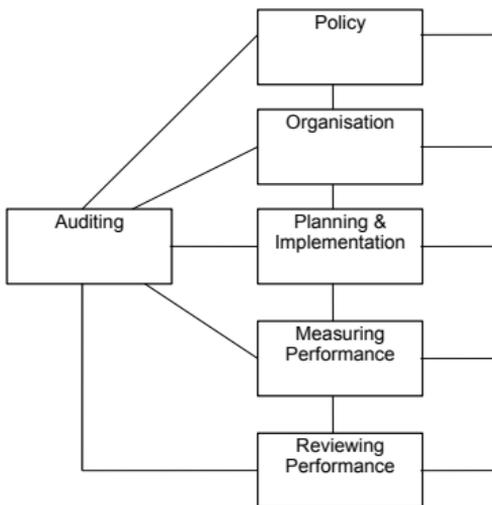
Monitor activities, accidents and incidents.

5) Monitor and review by audit and

Audit against policy, organisation, arrangements and systems. Consider how errors are adjusted, the action planning arising from inspection and audit, involvement of all staff in monitoring activities and your review and update system.

The HSE advocate a systems approach which is based upon the flow diagram below:

HSE Safety Management - Flow Diagram



This is a lot of work. The law required all of this in 1974, but not much was done about it and so the 1992 law now requires a large range of defined actions to meet the above needs.

3. GENERAL ADVICE

3.1 Audits, Inspections and Tours

The difference between an inspection and an audit is that inspections are purely investigative, looking against a reference standard, criteria or checklist for a range of items, whereas audits measure compliance, success and performance against a system. A safety tour is typified by a management walkabout in an area looking for effective health and safety management and practice.

3.2 Who can do it?

There are one, or two, quite central ideas in how compliance and thus a well managed safety culture are to be brought about. They concern responsibility, accountability and advice.

The accountability for health, safety and welfare always remains with the line management. It cannot be brought in or contracted out. Advice can be bought in, but advice can be adopted or ignored by its very nature. Adoption of advice requires an understanding by those adopting it. Context sensitivity demands that safety management is done by the operational management, not by safety specialists. They cannot weigh up the range of professional issues in a task like the operational personnel, only identify, clarify and prioritise the health and safety issues and audit compliance.

3.3 How to do health and safety management?

You need predictions and facts. Risk assessment and records will provide facts and so will plans, procedures and policy arrangements. These can be integrated into an active rolling system of ongoing safety management that operates alongside and concurrent with all other forms of management as an integral part of daily, weekly and long term strategic progress. They give a set of expectations against which safety management can compare performance in reality. Accident statistics are one form of record of reality, demonstrating what happened in a way that can be compared to your predictions, allowing you to alter the system or its actions to adjust for change or react to need. However, accidents are rare and it is generally true that there are over 100 incidents (near misses) for each accident. An incident monitoring system is therefore much better as a measure of safety performance.

To get this system up and running staff awareness is the key. There is too much work for one person to be wholly responsible and much of the activity would be inappropriate for them anyway. Managers and supervisors need to shoulder their part of the burden of health and safety management, become familiar with the relevant parts of the system and the law, and be able to identify those parts of their needs which require expert advice. Once this culture change and the necessary training is completed, the result will be a small extra workload for all that is well integrated into daily activities, and a range of good management systems for auditing and external inspection.

3.4 Some other links

Many of the principles of safety management share a lot in common with quality management, and can be integrated into a Total Quality Management System and BS5750/ISO9000 etc, and also share an overlap with environmental equivalents such as BS7750. Economic links can also be made to achieve significant savings through Total Loss Control techniques and Risk Management activities. There are also emerging links with insurance cover on a direct profile requirement basis i.e. better evidence of health and safety management = lower premiums.

Appendix 2

USEFUL HEALTH AND SAFETY REFERENCES

Abbreviations:	L1	An introduction to the Employment Medical Advisory Service
COP Code of Practice	A guide to the HSW Act ISBN 0 7176 0441 1	
EH Guidance Note, Environmental Health	L21 Management of Health and Safety at Work Regulations 1992 Approved Code of Practice ISBN 0 7176 0412 8	HSE 23 (Rev) Health and safety legislation and trainees: a guide for employers
GS Guidance Note: General		HSE 25 HSE and you
PM Guidance Note: Plant and Machinery	POSTER Health and Safety law: what you should know ISBN 0 11 701424 9	HSE 26 HSE - working with employers
HSC Health and Safety Commission Leaflet	Writing your health and safety policy statement; guide to preparing a safety policy statement for a small business ISBN 0 7176 0424 1	IND(G)132(L) Five steps to successful health and safety management; special help for directors and managers
HSE Health and Safety Executive Leaflet		
HS (G) Health and Safety (Guidance Leaflet)	You can do it. The what, why and how of improving health and safety - a self help guide ISBN 0 7176 0726 7	THE WORKPLACE
HS(R) Health and Safety (Regulations)	HSC 2 HSW Act: the Act outlined	EH 22 (Rev) Ventilation of the workplace ISBN 0 11 885403 8
IND(G) Industry Advisory (General) Leaflet	HSC 3 HSW Act: advice to employers	HS (G) 38 Lighting at work ISBN 0 7176 0467 5
L Legal Services	HSC 5 HSW Act: advice to employees	HS (G) 57 Seating at work ISBN 0 11 885431 3
ORGANISING FOR SAFETY	HSC 6 Writing a safety policy statement: advice to employers	L24 Workplace health, safety and welfare. Workplace Regulations 1992. Approved Code of Practice and guidance ISBN 0 7176 0413 6
COP1 Safety Representatives and safety committees ISBN 0 11 883959 4	HSC 8 Safety committees: guidance to employers whose employees are not members of recognised independent trade unions	L26 Display screen equipment work. Health and Safety Regulations 1992. Guidance on regulations ISBN 0 7176 0410 1
HS(G)65 Successful health and safety management ISBN 0 7176 0425 X	HSC 4 (Rev) Employers' Liability (Compulsory Insurance) Act 1969: a short guide	IND(G)36(L)(Rev) Working with VDUs
HS(G)96 The costs of accidents at work ISBN 0 7176 0439 X	HSC 5 (Rev)	

GS 31
Safe use of ladders, step
ladders and trestles ISBN
0 11 883594 7

GS 27
Protection against
electric shock
ISBN 0 11 883538 1

HS(G)85
Electricity at work: safe
working practices
ISBN 0 7176 0442 X

HS(G)107
Maintenance of portable
and transportable
electrical equipment
ISBN 0 7176 0715 1

HS(R)25
Memorandum of
guidance on Electricity at
Work Regulations 1989
ISBN 0 11 883963 2

PM 32 (Rev)
Safe use of portable
electrical apparatus
ISBN 0 11 885590 5

HS(G)85
Electricity at work: safe
working practices
ISBN 0 7176 0442 X

ACCIDENTS AND EMERGENCIES

COP42
First aid at work. Health
and Safety (First Aid)
Regulations 1981
ISBN 0 7176 0426 8

FORM F2508
Report of injury or
dangerous occurrence
ISBN 0 7176 0417 9

FORM F2508A
Report of a case of
disease
ISBN 0 7176 0445 1

IND(G)4 (Rev)(P)
First aid at work: general
guidance for inclusion in
first aid boxes

ISBN 0 11 883958 6

IND(G)113(L)
Your firm's injury records
and how to use them

PEOPLE

L21
Management of Health
and Safety at Work
Regulations 1992
Approved Code of
Practice
ISBN 0 7176 0412 8

IND(G)62(L)
Protecting your health at
work

IND(G)63(L) (Rev)
Passive smoking at work

IND(G)129(L)
Mental distress at work:
first aid measures

Appendix 3

BASIC LEGISLATION AND DUTIES

1. INTRODUCTION

The main law in health and safety is under the Health and Safety at Work Act 1974.

This places very general duties on employers, employees and the self employed, and is an enabling act under which regulations can be passed. It is a self regulation philosophy requiring in general terms that employers assess the risks to all in each particular workplace and adopt control measures necessary to deal with that degree of 'risk'. Central to this and all subsequent legislation is the concept of 'context sensitivity' requiring individual evaluations and responses to each and every situation.

The most important phrase in the legislation is **'it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees'**. This imposes a **general duty of care**.

Relevant regulations under the Health and Safety at Work Act include:

- The Reporting of Injuries, Diseases and Dangerous Occurrences regulations 1985 (RIDDOR)
- The Control of Substances Hazardous to Health Regulations 1988 (COSHH)
- The Electricity at Work Regulations 1989
- The Noise at Work Regulations 1989
- The Provision and Use of Work Equipment Regulations 1992
- The Manual Handling Operations Regulations 1992
- The Health and Safety (Display Screen Equipment) Regulations 1992 (DSE)
- The Management of Health and Safety at Work Regulations 1992
- The Workplace (Health, Safety and Welfare) Regulations 1993
- The Safety Representatives and Safety Committees Regulations 1977

It is necessary to have some knowledge of each of these in order to bring about compliant health and safety management.

The basics of the most relevant for IRIS Consulting are as follows.

2. RIDDOR

Establishes a list (updated) of injuries, diseases and dangerous substance exposure for which there is a requirement for serious incidents to notify by the quickest practicable means and for all listed items an absolute reporting requirement within seven days. Within it are lists in each category and notifiable items include any accident causing more than 3 days incapacity for work. The reporting form is an F2508. Subsequent deaths within a year must be

re-reported. Specified records of reported items must be kept for 3 years, and all injuries (reportable or not) must also be recorded in an accident book.

3. **COSHH**

Establishes a list (updated) of hazardous exposures to injurious agents, including physical and biological agents but mostly chemical agents. Sets Occupational Exposure Limits as acute and 8 hour average dose values for listed substances. In effect they cover virtually all substances capable of causing adverse health effects or disease arising from work activities. It requires a 'suitable and sufficient' assessment of the risks and a written record of the steps required to comply.

4. **ELECTRICITY AT WORK**

Puts the onus on employers to assess the work activities which utilise electricity or may be affected by it, examining whether any work on or near systems gives rise to danger or injury, requiring employers to have regard to all foreseeable risks. There are many detailed sections on various aspects, including competence, protection, design and construction of systems, etc.

One aspect of this relevant to all workplaces is portable (anything with a plug on it) electrical appliance testing and inspection.

5. **NOISE AT WORK**

Imposes action levels at 85 and 90 dB(A) for 8 hour exposure and a peak limit of 200 Pascals (140dB re 20uPa) for exposure in the workplace. In general terms if you need to raise your voice to be heard 1m from someone and the environment is like that all day, it will define a problem. The louder the noise, the shorter the duration. For any noisy environment it is important to screen hearing on appointment and to take appropriate steps.

6. **PROVISION AND USE OF EQUIPMENT AT WORK**

These place minimum requirements and general duties on employers to deal with selected hazards whatever the industry, making explicit what is good practice. Equipment includes hand tools, machines etc, and use includes starting, stopping, repairing, modifying, installing, programming, setting, transporting, maintaining, servicing and cleaning.

General duties include:

- i) making sure that equipment is suitable for its use
- ii) assessing the workplace environment when selecting equipment
- iii) ensuring equipment is used only for operations under conditions that are suitable

- iv) ensuring that equipment is in an efficient state, in efficient working order and in good repair
- v) giving adequate information, instruction and training
- vi) provide equipment that conforms to EU product safety directives

There are then a range of specific duties, including:

- i) high and very low temperature equipment
- ii) control systems and devices
- iii) isolation from energy sources
- iv) stability
- v) lighting
- vi) maintenance
- vii) warnings and markings

7. **MANAGEMENT OF HEALTH AND SAFETY AT WORK**

These set out general duties as a more explicit form than in HASWA, and are aimed at introduction of a systematic approach. They require:

- Assessment of risks to employees and anyone else affected by your activities
- Making arrangements for putting into practice the measures following from the assessment. This includes planning, organisation, control, monitoring and review.
- Providing appropriate health surveillance for workers where the assessment shows this to be necessary
- Appointing competent people to devise and apply measures for compliance
- Setting up emergency procedures
- Providing employees with comprehensive information
- Ensuring employees have adequate training and are capable enough at their jobs to avoid risks
- Providing temporary workers with particular information to meet special needs

Also these regulations place duties on employees to follow health and safety instructions and report danger, and extend the requirements to consult safety representatives and provide facilities.

8. DISPLAY SCREEN EQUIPMENT (DSE)

The regulations apply to any screen that is operated by 'users' or 'operators' who habitually use such equipment as a significant part of their normal work. Application applies to displays of text, numbers and graphics regardless of the process used. The regulations apply to the equipment and its immediate environment, and consider the ergonomics of the furniture, equipment, software and environment. Duties include:

- i) Assessment of workstations, and reduction of risks discovered
- ii) Satisfaction of minimum requirements for the display screen, keyboard, desk and chair, working environment and task design and software
- iii) Planning of DSE work to give breaks or changes of activity
- iv) Provision of information and training for DSE users

There is also an entitlement for users to appropriate eye and eyesight tests and provision of corrective spectacles if required.