



HANDOUT 13

Health and Safety at Work Act etc. 1974

The Health and Safety at Work etc. Act 1974 (also referred to as HSWA, the HSW Act or HASAWA) applies to all work activities and lays down very specific duties on various parties in respect of Health and Safety. HSWA includes the phrase 'so far as reasonably practicable', this means you must balance up the risks to health and safety against the time money and effort it will take to reduce the risk. Certain risks will need to be addressed whatever the cost; in other situations, the level of risk will determine the action that you should take. The most important of these duties are summarised in the sections below:

Employers

A general duty is placed on employers, so far as it is reasonably practicable, to:

- Ensure the health, safety and welfare at work of their employees;
- Maintain safe premises, plant and systems of work;
- Provide whatever information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of all employees;
- Provide an adequate and appropriate level of supervision;
- Provide safe access and egress;
- Provide welfare facilities;
- Ensure that their activities do not endanger persons not in their employment;
- Prepare and publicise a written statement of their safety policy and arrangements for implementing it (if 5 or more employees);
- Consult employees' representatives concerning arrangements for joint action on health and safety matters.

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Employees

A general duty is placed on employees to:

- Take reasonable care for the health and safety of themselves and of anyone else who may be affected by their work activities;
- Co-operate with employers and others to enable them to meet their statutory requirements.

Directors Responsibilities

In 2002, the Health and Safety Commission (HSC) published guidance for company directors. HSC advise that:

- The board needs to accept formally and publicly its collective role in providing health and safe leadership in its organisation;
- Each member of the board needs to accept their individual role in providing health and safety leadership for their organisation;
- The board needs to ensure that all board decisions reflect its health and safety intentions, as articulated in the health and safety policy statement;
- The board needs to recognise its role in engaging the active participation of workers in improving health and safety;
- The board needs to ensure that it is kept informed of, and alert to, relevant health and safety risk management issues. HSC recommends that boards appoint one of their numbers to be the health and safety director.

All Persons

A general duty is placed on everybody not to misuse anything provided in the interests of health and safety at work.

Suppliers and manufacturers

There is a general duty placed upon manufacturers and suppliers to give information, warnings and instructions about use of their products, so that the safety of purchasers and users is protected. This may include details of noise levels produced by machinery.

