



Health & Safety for Small Businesses – The Legal Perspective

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Speakers



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Overview



- What the law requires of you
- Corporate Manslaughter and Corporate Homicide Act 2007
- The Institute of Directors Guidance – Leading Health & Safety at Work
- How to access competent advice

What You Must Do



- Register your business
- Take out Employers' Liability Compulsory Insurance
- Access competent health & safety advice
- Manage via your health & safety policy
- Risk assess your activities AND act upon the findings

What You Must Do



- Provide basic welfare facilities
- Provide health & safety training for your workers
- Consult your workers on health & safety
- Display the health & safety law poster OR give workers an information leaflet
- Report some work related accidents, diseases and dangerous occurrences

Corporate Manslaughter and Corporate Homicide Act 2007



- Introduces new manslaughter offences for organisations
- No “directing mind” hurdle
- No new offence for individuals
- Penalty – unlimited fine, remedial or publicity orders
- Came into force 6 April 2008

The Offence Is Committed If:-



- “The way in which [the organisation’s] activities are managed or organised:
 - (a) causes a person’s death;
 - (b) amounts to a **gross breach** of a relevant duty of care owed by the organisation to the deceased”

And

- The way in which its activities are managed or organised by its senior management is a *substantial element* in the breach”

What is Senior Management?



- Senior management, in relation to an organisation, means the persons who play **significant** roles in:
 - (a) The making of decisions about how the whole or a **substantial** part of its activities are to be managed or organised; or
 - (b) the actual managing or organising of the whole or a **substantial** part of those activities

What is the impact ?



- **Unwelcome publicity**
- **Investigation by Police and Health & Safety Executive**
- **Unlimited fines possibly 2.5 – 10% of turnover**

IoD and HSC Guidance



- Guidance INDG 417 – “Leading health and safety at work – leadership actions for directors and board members”
- Guidance published in October 07
- Replaces INDG343 - "Directors responsibilities for health and safety"
- Intended to be the alternative to new legislation on Directors' safety duties

IoD and HSC Guidance



Essential Principles:

- Strong and active leadership from the top
 - the integration of good health and safety management with business decisions
- Worker involvement
 - engaging the workforce
- Assessment and review
 - identifying and managing health and safety risks; monitoring, reporting and reviewing performance

IoD and HSC Guidance



Core actions and good practice guidelines:

- **Plan** the direction for health and safety policy
- **Deliver** health and safety
- **Monitor** health and safety
- **Review** health and safety

Accessing Competent Advice



- **Can you do it yourself ? (HSE Starter Pack)**
- **Trade Association / Professional Institution**
- **External consultant (check IOSH membership)**
- **Understand what you require and what you will get**
- **Is there follow up advice**
- **It should be right, tailored and sensible**

Accessing Competent Advice



- **HSE website (topic and sector guidance)**
- **www.hse.gov.uk**
- **HSE Infoline for specific queries**
- **0845 345 0055**

So what should you do ?



- **Sensible Risk Management**
 - Evaluate your current h&s position
 - Action plan for any improvements
 - Put in place an incident response mechanism







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Questions