



## **AN EMPLOYERS DUTIES UNDER THE HEALTH & SAFETY AT WORK ACT 1974 (HASAW 74)**

In 1972 Lord Robens published his report which called for the repeal of much of the outdated safety legislation that was on the statute books at that time, some of which was over one hundred years old and clearly outmoded. He called for a single enabling act which would improve safety standards across all sectors of industry and commerce through a self regulatory rather than prescriptive approach. The labour government which was incumbent at the time then introduced and implemented The Health & Safety At Work Act 1974.

Under this Act employers have a legal duty to ensure, 'so far as is reasonably practicable', the health, safety and welfare at work of their employees. *Edwards v National Coal Board* [1949]. Set out the test of 'reasonable practicality'. It determined that the risk must be balanced against the 'sacrifice', whether in money, time or trouble, needed to prevent, control or mitigate against the risk.

Section 2 of this act makes explicit the key duties of employers, these include:

- The provision of 'safe systems of work'
- The effective supervision of safety at work by competent persons
- The provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of employees

(Section 3 also makes it clear that employers must conduct their undertakings in such a way as to ensure the safety of non-employees)

Following the death of a social worker, the 'DHSS Advisory Committee on Violence to Staff' was set up and chaired by Lord Skelmersdale. In the subsequent report they published it as said: "Where violent incidents are foreseeable employers have a duty under Section 2 of [the Health and Safety at Work Act 1974] to identify the nature and the extent of the risk and to devise measures which provide a safe workplace and a safe system of work."

We can see then that employers have a statutory duty to do "everything reasonable and practicable" to "eliminate, reduce or mitigate against" the risks arising from all hazards to health. A 'hazard' can be defined as anything with the potential to cause harm; physical or otherwise and clearly violence would be an example of such a hazard

On a practical level it would be order to discharge their legal requirements it would be reasonable to assume that they must:

- ensure employees know the risks;
- ensure employees know the precautions;
- ensure the precautions are available;
- ensure employees know the precautions available

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