Lesson 1 – Rights and responsibilities for health and safety

Health and safety in a group training environment

Learning objectives

By the end of the lesson you will be able to:

- Outline the rights and responsibilities of the employer for health and safety in the workplace
- Outline the rights and responsibilities of the employee for health and safety in the workplace
- Outline the health, safety and insurance requirements when hiring venues or facilities
- Explain the term ‘duty of care’ relating to the health and safety of self and others
- Identify the key legal and regulatory requirements that are relevant to health and safety in the workplace
- Describe what may happen if employers and employees do not follow the legal requirements

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Health and Safety at Work Act 1974

The Health and Safety at Work Act 1974 is the basis of British health and safety law and sets out the duties that employers and employees have to themselves and members of the public.

The two main duties of an employer are to:

- Take care not to endanger themselves and others.
- Cooperate in meeting statutory requirements.

Employers must ensure that the health, safety and welfare of employees is protected, as far as is reasonably practicable.

The general requirements of the Act are:

- The workplace is safe.
- There are safe systems of work.
- There is the provision of information, instruction, training and supervision needed to ensure safety.

Health and Safety at Work etc. Act 1974

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Duty of care

Duty of care is the obligation to apply a reasonable level of care towards an individual to avoid injury to that individual or his/her property.

A ‘reasonable’ level of care is considered to be that you have, ***to the best of your knowledge and ability***, taken all the necessary precautions to minimise risk.

Management of Health and Safety at Work Regulations 1999

These regulations further reinforce the Health and Safety at Work Act.

Employers are required to:

- Carry out risk assessments.
- Produce documents to underpin safe working practices (NOPs and EOPs).

Other legislation

- First Aid at Work.
- Provision and Use of Work Equipment Regulations 1998.
- Electricity at Work Regulations 1989.
- Health and Safety (Safety Signs and Signals) Regulations 1996.
- Working at Height Regulations 2005.
- Workplace (Health and Safety and welfare) Regulations 1992.
- Manual Handling Operations Regulations 1992.
- Employer's Liability (Compulsory Insurance) Act 1969.
- Personal Protective Equipment at Work Regulations 1992 (PPE).
- The Health and Safety (Display Screen Equipment) Regulations 1992.
- The Children's Act 1989.

Consequences of not following legal requirements

What may happen if employers and employees do not follow the legal requirements?

Consequences of not following the legal requirements

- Persons who fail to follow the current health and safety legislation may be made liable for any incidents/accidents that occur.
- If the duty of care/service is put in question, it may end up in a court of law, and any relevant documentation can be used as evidence, either for or against.
- A court will consider two things: what the current standard working practices are within the industry; and the chain of responsibility to highlight areas of failure (negligence).
- An example of negligence may involve not screening a participant prior to exercise who has known exercise contraindications, for example, diabetes or coronary heart disease.
- By knowing and following the current health and safety legislation employers will protect themselves from such action.

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