The Health and Safety at Work etc. Act 1974



# What is the HSWA?

HSWA (The Health and Safety at Work etc. Act 1974) is a key piece of legislation covering all aspects of health, safety and welfare in the workplace. It is an ‘enabling’ act—which means that it allows various H&S regulation (such as COSHH and The Electricity at Work Regulations) to be introduced without any need for the normal parliamentary process—which can be very time-consuming. (Parliament can, though, block any proposed regulations).

# What are the key points?

The key things you need to be aware of from HSWA are:

* The employer has a duty to ensure, so far as is reasonably practicable the health, safety and welfare at work of all his employees
* A similar duty applies towards others who are not employees eg the public.
* Employees have a duty to look after their own H&S as well as others and co-operate with their employer
* Any equipment, machinery or chemicals must be manufactured to be safe when used, maintained, installed, disposed of etc.

# The Health and Safety Executive

The HSE was set up under the HSWA . Its main duties are:

* Proposing new or revised H&S regulations
* Interpreting and explaining H&S law and offering guidance
* Inspecting workplaces to determine if they are complying with the law
* Investigating accidents in the workplace
* Prosecuting where there have been serious breaches of H&S law.

# So far as is reasonable practicable

This phrase so far as is reasonably practicable (SFAIRP) means that the risk in a particular situation can be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid the risk.

It is a judgement. Guidance is available from the HSE but ultimately the decision about whether a measure is practicable is for the courts.

*Eg providing a rubberized surface over a whole playground at the cost of £1,000,000 to prevent grazed knees is clearly not reasonably practicable.*

*Providing suitable ear defenders for workers in a noisy workshop, clearly is.*

# Duties of Employers

* Make sure your workplace and equipment is safe and without risks to the health of workers and anyone else
* Produce, and make available, a health and safety policy
* In a way you can understand, explain how risks will be controlled and tell you who is responsible for this.
* Consult and work with you and your H&S representatives in protecting everyone from harm in the workplace.
* Free of charge, give you the health and safety training you need to do your job.
* Free of charge, provide any equipment and protective clothing needed and ensure it is properly looked after.
* Provide adequate facilities for welfare eg toilets, washing facilities and drinking water.

# Duties of Employees

* Follow the training you have received when using any work items your employer has given you.
* Take reasonable care of your own and other people’s health and safety.
* Co-operate with your employer on health and safety.
* Tell someone (your employer, supervisor, or health and safety representative) if you think the work or inadequate precautions are putting anyone’s health and safety at serious risk