

## July 2014 – Health & Safety at Work Act 40 years on



The Health & Safety at Work Act 1974 (HASAWA) is 40 years old this summer. The Act was designed as an enabling piece of legislation and sets out the general duties which employers have towards employees and members of the public, and employees have to themselves and to each other.

These duties are qualified in the Act by the principle of '*so far as is reasonably practicable*'. In other words, an employer does not have to take measures to avoid or reduce the risk if they are technically impossible or if the time, trouble or cost of the measures would be grossly disproportionate to the risk. What the law requires here is what good management and common sense would lead employers to do anyway: that is, to look at what the risks are and take sensible measures to tackle them.

A recent article published in The Telegraph discussed the anniversary of the HASAWA and the impact it has had, not least in saving hundreds of lives (<http://www.telegraph.co.uk/news/uknews/law-and-order/10903222/Lets-fly-the-flag-for-the-life-saving-health-and-safety-law.html#2>).

So why does Health and safety have such a negative press? Health and Safety is **NOT** about eliminating all risk, unnecessary bureaucracy and lots of paper (ie the 'tick-box' mentality which says that if a piece of paper exists and a few boxes are ticked 'that's all I have to do to be safe')!

Health and safety is all about practical and pragmatic assessment of risk, implemented by competent people and led by senior managers and Directors who act as visible health and safety leaders. To be an enabler for the business and to drive efficiency and effectiveness (ie to be profitable), the health and safety culture in a business must be proactive and integrated into 'business as usual'.

Is your organisation proactive regarding health and safety or is health and safety seen as a 'chore' or a 'bolt-on' to the business and only referenced when an incident has occurred? If it is the latter then health and safety is not integrated into your business as well as it could be!

Once there is a commitment from the senior leadership to move beyond compliance, the journey is a relatively straightforward one for many organisations and comprises:

- Communication
- Consistent application of high standards
- Visible leadership

It goes without saying that the process requires hard work and constant reinforcement but the rewards are well worth the effort.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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