



DIRECTORS' RESPONSIBILITIES FOR HEALTH AND SAFETY

Introduction

This guidance is for board members of all types of organisations in both the private and public sectors. It will help them ensure that health and safety risks arising from their organisation's activities are properly managed. The focus is mainly on the health and safety responsibilities of company directors.

In the context of effective corporate governance, managing corporate risk is a key issue for all directors and senior management. Such risks take many forms. One key risk area is the health and safety of an organisation's workers, and of others (including members of the public) who may be affected by its activities.

Effective management of health and safety risks will help:

- Maximise the well-being and productivity of all people working for an organisation.
- Stop people from getting injured, ill or killed through work activities.
- Improve the organisation's reputation in the eyes of customers, competitors, suppliers, other stakeholders and the wider community.
- Encourage better relationships with contractors and more effective contracted activities; and
- Minimise the likelihood of prosecution and consequent penalties.

Who should read this guidance?

This guidance is for people who provide strategic leadership, direction and oversight, and set the policy on health and safety. For incorporated bodies this will be the board of directors. In public or voluntary sector organisations it will usually be the senior management board that provides strategic oversight and direction.

What the guidance does.

The guidance sets out the roles and responsibilities of the board and its members in respect of health and safety risks arising from the organisation's activities. It recommends that every board should appoint one of their number to be a 'Health and Safety Director'. It is also important that directors, in carrying out their responsibilities, set out their expectations of senior managers with health and safety responsibilities and the arrangements for keeping the board informed and advised of all relevant matters concerning performance.

ACTION POINT 1

The board needs to accept formally and publicly its collective role in providing health and safety leadership in its organisation.

Strong leadership is vital in delivering effective health and safety risk control. Everyone should know, and believe, that you are committed to continuous improvement in health and safety performance. You need to explain your expectations, and how your organisation and procedures will deliver them.

Your statement of health and safety policy and arrangements should be a living document, reviewed and revised as situations change, and be brought to the attention of your workers.

ACTION POINT 2

Each member of the board needs to accept their individual role in providing health and safety leadership for their organisation.

As a board member you need to ensure that your actions and decisions at work always reinforce the messages in the board's health and safety policy statement. Any mismatch between your individual attitudes, behaviour or decisions and your organisation's health and safety policy will undermine your worker's belief in both your intentions and those of your board, and will undermine good health and safety practices.

You must recognise your personal responsibilities under health and safety law.

ACTION POINT 3

The board needs to ensure that all board decisions reflect its health and safety intentions, as shown in the health and safety policy statement.

Many of your business decisions will have health and safety implications. It is particularly important that the health and safety ramifications of investment in new plant, premises, processes or products are taken into account as the decisions are made. For example, such changes could introduce:

- New materials – are they toxic, do they pose new risks and how will any new risk be controlled?
- New work practices – what are the new risks and are managers and supervisors competent to induct workers in the new practices?
- New people – do they need health and safety training and are they sufficiently competent to do the job safely?

Too often organisations find that they have to remedy health and safety problems that could have been dealt with more easily and cheaply when the initial investment decisions were made.

Doing business with organisations that do not themselves deliver effective health and safety risk management may seriously damage both your corporate reputation and the effective and timely delivery of contracted goods and services.

You need to ensure that your purchasing decisions, or decisions to engage contractors to work for you, reinforce rather than damage your health and safety intentions. It is important that directors recognise their continuing responsibility for health and safety when work is contracted out. Similarly, you need to be sure that your customers are alerted to any risks and necessary precautions associated with the products and / or services you supply.

It is important to remember that, although health and safety functions can (and should) be delegated, legal responsibility for health and safety rests with the employer.

ACTION POINT 4

The board needs to recognise its role in engaging the active participation of workers in improving health and safety.

Effective health and safety risk management requires the active participation of your workers. There are legal requirements about consulting your workers, via their trades union representatives if appropriate. Many successful organisations go further and actively promote and support worker involvement and consultation. You should encourage workers at all levels to become actively involved in all aspects of your health and safety management system.

Worker involvement supports a health and safety culture where health and safety is everyone's business. The best form of participation is a partnership for prevention, where workers and their representatives are involved in identifying and tackling potential or actual problems, rather than being consulted only after decisions have already been taken. It is also important to note that all workers have a duty, while at work, to take reasonable care for their own health and safety and that of other people who may be affected by their actions or omissions.

ACTION POINT 5

The board needs to ensure that it is kept informed of, and alerted to, relevant health and safety risk management issues. The Health and Safety Commission recommends that boards appoint one of their number to be the 'Health and Safety Director'.

You need to ensure that the board's health and safety responsibilities are properly discharged. The board will need to:

- Review your organisation's health and safety performance regularly (at least annually).
- Ensure that your health and safety policy statement reflects current board priorities. The statement should be considered at the same time as your review of your health and safety performance, or when circumstances (e.g. your management structure) change.
- Ensure that your management systems provide for effective monitoring and reporting of your organisation's health and safety performance.
- Be kept informed about any significant health and safety failures, and of the outcome of the investigations into their cause.
- Ensure that you address the health and safety implications of **all** your decisions.
- Ensure that health and safety risk management systems are in place and remain effective. Periodic audits (monthly) can provide information on their operation and effectiveness.

By appointing a 'Health and Safety Director' you will have a board member who can ensure that these health and safety risk management issues are properly addresses, both by your board and more widely in your organisation.

The Chairman and / or Chief Executive have a critical role to play in ensuring risks are properly managed and that the Health and Safety Director has the necessary competence, resources and support of other board members to carry out their functions. Indeed some board members may prefer to see all health and safety functions assigned to their Chairman and / or Chief Executive. As long as there is clarity about the health and safety responsibilities and functions, and the board properly addresses the issues, this is acceptable.

The health and safety responsibilities of all board members should be clearly defined in your organisation's statement of health and safety policy and arrangements. It is important that the role of the Health and Safety Director should not detract either from the responsibilities of other directors for specific areas of health and safety risk management, or from the health and safety responsibilities of the board as a whole.

SUMMARY OF LEGAL RESPONSIBILITIES

The main responsibility for ensuring the health and safety of workers and for reducing the risks to others affected by work activities (including members of the public) rests on the employers (sections 2 and 3 of the Health and Safety at Work Act 1974). You need to prepare, and make sure your workers know about, a written statement of your health and safety policy and the arrangements in place to put it into effect.

These general duties on employers are expanded and explained in the Management of Health and Safety at Work Regulations 1999, which include requirements for employers to:

- Assess the work-related risks faced by employees, and by people not in their employment.
- Have effective arrangements in place for planning, organising, controlling, monitoring and reviewing preventative and protective measures.
- Appoint one or more competent persons to help in undertaking the measures needed to comply with health and safety law.
- Provide employees with comprehensible and relevant information on the risks they face and the preventative and protective measures that control those risks.

Employers need to consult their employees in good time about any issues that may affect their health and safety. Recognised trade unions have the right to appoint health and safety representatives who carry out functions such as workplace inspections [Health and Safety (Consultation with Employees) Regulations 1996 and the Safety Representatives and Safety Committees Regulations 1977].

Workers at all levels of the organisation need to take reasonable care for their own health and safety, and for the health and safety of people who may be affected by their acts or omissions at work; and co-operate with their employer (see section 7, Health and Safety at Work Act etc. 1974).

Where a 'body corporate' commits a health and safety offence, and the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, then that person (as well as the body corporate) is liable to be proceeded against and punished (section 37, Health and Safety at Work Act etc. 1974).