

Protecting Your Business

Health & Safety
Employment Essentials
Insurance



Health & Safety Essentials

Richard Hookway Grad IOSH
www.amarisk.co.uk



HEALTH & SAFETY - WHAT ITS ALL ABOUT ?

"Every family has the right to expect that their breadwinners will return home in sound health and without disability"

Bob Baty – CEO - S.W.Water 1999

FAMOUS SAYINGS – NAME THE PEOPLE

1. "Where did all those flammin' Indians come from?"
2. "What the hell was that?"
3. "U-turn if you want, the lady is not for turning."
4. "Ich bin ein Berliner."
5. "May the force be with you."
6. "Watch it, you'll have some bugger's eye out with that !"

OTHER WELL KNOWN SAYINGS:

1. "We've always done it this way."
2. "I haven't got time for this."
3. "If we did health & safety all the time then we wouldn't do anything else."
4. "It won't happen to me."
5. "I knew that would happen."
6. "Oh ****, that hurt!"
7. "Call the Lawyers."

HEALTH & SAFETY

Over the top ?

Is H&S law any more powerful than it was 40 years ago?

HEALTH & SAFETY

"IGNORANTA
LEGIS NON
EXCUSAT"

(Ignorance of
the law is no
excuse)



"RECTUM
PROTECTUM"

(Cover your
behind)

HOW NOT TO DO IT !



HOW NOT TO DO IT !



HOW NOT TO DO IT !



HOW NOT TO DO IT !



HOW NOT TO DO IT !



HEALTH & SAFETY AT WORK ACT 1974



- Criminal Law
- Guilty Until Proven Innocent
"It shall be for the accused to prove that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the requirement". (Section 40 HSWA)
- Places legal duties on:
 - The Organisation
 - Directors / Senior Managers
 - Employees
 - Self Employed (proposal to exempt certain low risk sectors)

**HEALTH & SAFETY
MAIN COMPLIANCE REQUIREMENTS**

- H&S Policy (in writing if >5 employees)
- Risk assessments (in writing if >5 employees)
- Training/induction records
- Maintenance records
- Accident records
- Emergency procedures
- Access to 'Competent Advice'



FEEES FOR INTERVENTION (FFI)



- Where a serious material breach of health & safety law has occurred
- £124 per hour
- All hours charged including HSE administration time
- Excludes Local Authority regulated businesses
- Excludes Self Employed
- 20,908 Companies have received bills to date (Average £510)
- £10.7m recovered to date

RECENT CHANGES TO LEGISLATION

- Health & Safety at Work Act 1974
 - Amendment to s47 removing the general right to claim compensation for 'breach of statutory duty'
 - Instead, claimants need to prove negligence
- RIDDOR
 - Simplified classification of reportable injuries
 - Over 7 days absence (previously 'over 3 days')

RECENT CHANGES TO LEGISLATION

- Control of Asbestos
 - New Approved Code of Practice (ACoP) L43 'Managing and Working with Asbestos'
 - Clarifies changes introduced in the Control of Asbestos Regulations 2012 (CAR 2012) on the notification of non-licensed work with asbestos

FORTHCOMING CHANGES TO H&S LEGISLATION

- Construction, Design & Management Regulations (CDM)
 - Consultation on revising the regulations, including extending to domestic clients
 - CDM-C Role to be replaced with 'Principal Designer'
- Deregulation Bill
 - Plan to exempt the self-employed in low-risk occupations from health and safety legislation

SUMMARY

- Don't lose sleep
- Take a sensible approach
- Getting it wrong does have implications
- Beware of overselling
- Ring us if you need some advice !





Employment Essentials

Trevor Vanstone
www.amarisk.co.uk



EMPLOYMENT - KEY THINGS YOU NEED

- Robust recruitment
- Contracts
- Handbook
- Equality
- Family-friendly
- Standards
- Adverse weather!

DISCIPLINARY

- Act informally
- Thorough investigation
- 48 hours notice
- Right to be accompanied
- Be clear if dismissal is an option
- Appeals

CAPABILITY

- Beyond employee's control
- Act informally
- Review training and support
- Health
- Improvement plan
- Only move to formal process if this fails

EMPLOYMENT

The Quiz!

EMPLOYMENT LAW - UPDATE

Don't Forget

- 24 months' qualifying period came into force 6th April 2012

EMPLOYMENT LAW - UPDATE

Employment Tribunal Fees

- Issue Fees for Employment Tribunal £160 or £250
- Hearing Fees £230 or £950



EMPLOYMENT LAW - UPDATE

Fines for Employers

- Government will issue a penalty of between £100 and £5,000
- Discounts for early payment
- Paid to the Government's coffers!



EMPLOYMENT LAW - UPDATE

Conciliation

- From April 6th 2014 before lodging a claim to the Tribunal all claimants will need to notify Acas first, where conciliation will be offered



EMPLOYMENT LAW - UPDATE

Political Beliefs Protected

- Dismissals wholly or mainly on the grounds of political belief or affiliation will be prohibited

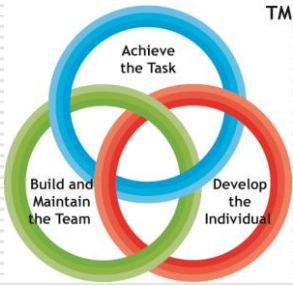


EMPLOYMENT LAW - UPDATE

Flexible Working to become more Flexible

- Extend the right to request flexible working to all employees from 2014
- Replace the current "right to request" procedure with a duty on employers to deal with requests in a reasonable manner, and within a "reasonable" period of time

THE LEADER'S ROLE



AND THERE IS HELP.....

GrowthAccelerator

- Government service
- High Growth Coaching
- Matched funding for Leadership and management training
- £2000 per senior person

OUR SERVICES

- Employment / Health & Safety Advisory Services
- Bespoke Personal Service
- Free Telephone Advice
- Practical & Honest Advice
- No Hard Sell
- No Time Bound Service Contract