

Health and Safety at Work etc. Act 1974 / Public Health Laboratory Service Board.

Contributors

Great Britain. Public Health Laboratory Service Board.

Publication/Creation

[London] : Public Health Laboratory Service Board, 1980.

Persistent URL

<https://wellcomecollection.org/works/y36h7acq>

License and attribution

You have permission to make copies of this work under an Open Government license.

This licence permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

Image source should be attributed as specified in the full catalogue record. If no source is given the image should be attributed to Wellcome Collection.



Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>

PUBLIC HEALTH LABORATORY SERVICE BOARD

HEALTH AND SAFETY AT WORK ETC. ACT 1974

JULY 1980

WILLCOMBE LIBRARY
General Collections
P
4260



22502833958

PUBLIC HEALTH LABORATORY SERVICE BOARD

16/2

HEALTH AND SAFETY AT WORK ETC. ACT 1974

1. Philosophy and Objectives of the Act
 - 1.1 General Philosophy
 - 1.2 Objectives
2. PHLS Board's Policy Statement
3. The Employee's Responsibility
4. Crown Immunity
5. Implementation of the Board's Policy
 - 5.1 Management's Responsibility
 - 5.2 Appointment of Safety Officers
 - 5.3 Laboratory/Department Safety Policies
 - 5.4 PHLS 'Safety Precautions: Notes for Guidance'
 - 5.5 Safety Committees
 - 5.6 Joint PHLS/AHA Laboratories on Health Authority Premises
 - 5.7 Safety Advice and Information
 - 5.8 Reporting of Laboratory Accidents with Personal Injury; Potential Hazardous incidents: Laboratory Acquired Infection
6. Safety Representatives
 - 6.1 Eligibility Requirements of a Safety Representative
 - 6.2 Criteria for the Appointment of Safety Representatives
 - 6.3 Functions of Safety Representatives
 - 6.4 Inspection of Documents and Provision of Information
 - 6.5 Management's Responsibility to Director the way in which the work is carried out
 - 6.6 Facilities to be made available to Safety Representatives
7. Consultation
8. Occupational Health Service
9. Fire Prevention
10. Disciplinary Procedure
11. Grievance Procedure

1 July 1980.

1. PHILOSOPHY AND OBJECTIVES OF THE ACT

1.1 General Philosophy

The Health and Safety at Work, etc. Act 1974, brought into force in April 1975, is essentially an enabling Act additional to, and partially replacing, existing health and safety at work legislation, such as the Factories Acts, and the Offices, Shops and Railway Premises Act 1963. The greater part of the existing Act and subsidiary Regulations remain current; but repeal, amendment, revision and updating will continue as necessary over a period of years. The Act extends the scope of health and safety legislation because it applies to all persons at work, and is directed at all work activities.

The Act imposes a general duty of care on persons associated with work activities, and in this way is a change from past legislation. It becomes the responsibility of all those concerned with health and safety at work, not only to ensure compliance with the requirements, but also to encourage the development of an awareness of the need for improved attitudes to health and safety at work.

1.2 Objectives

The Act's objectives are:

- (a) To secure the health, safety and welfare of persons at work.
- (b) To protect persons, other than persons at work, against risks to health or safety arising out of or in connection with the activities of persons at work.
- (c) To control the keeping and use of explosives, highly inflammable or dangerous substances. To prevent persons acquiring, possessing or illegally using such substances.
- (d) To control the emission of noxious or offensive substances from any location.

2. PHLS BOARD'S POLICY STATEMENT

2.1 The PHLS Board recognises and accepts its responsibilities as an employer under the Act, and attaches the greatest importance to the health, safety and welfare of its employees, the health and safety of patients, and of all other persons who may visit the premises which it controls, or which it shares with other authorities.

2.2 The Board accepts that it has a responsibility, so far as is reasonably practicable, to:

- (a) ensure that buildings, plant, equipment and systems of work are maintained to a safe standard;
- (b) ensure that arrangements for the handling, storage and transport of articles and substances are safe;

- (c) provide reasonable and adequate staff health and welfare facilities, and healthy and safe working environments;
- (d) provide clear instructions to non-employees, such as patients, other professional workers and visitors, and ensure that persons not in the Board's employment are protected from risks to their health and safety;
- (e) review this statement of general policy regularly through the PHLS Standing Advisory Committee on Laboratory Safety, and ensure its compliance by employees;
- (f) provide facilities for the election and appointment of representatives from trades unions and employees, to represent the employees' interests in consultation with the Board through local Laboratory, Central Public Health Laboratory, Centre for Applied Microbiology & Research, and the Headquarters Safety Committees;
- (g) co-operate with the Health and Safety Executive, and comply with all relevant Regulations and Codes of Practice arising from the Health and Safety at Work, etc. Act 1974.

3. THE EMPLOYEE'S RESPONSIBILITY

The Board recognises that the Act places a general duty on each of its employee to:

- (a) have regard for the care of themselves and others who may be affected by their work;
- (b) co-operate with the Board in meeting its responsibilities under the Act;
- (c) comply with safety training requirements;
- (d) report accidents, untoward occurrences and potential hazards to their Laboratory Director or Head of Department, or any other person responsible for safety, without undue delay.

4. CROWN IMMUNITY

The Board, as with other Health Authorities, is considered by the Department of Health and Social Security to be a Crown body. Thus, by virtue of the exclusion of the Crown from Sections 21 - 25 and 33 - 42 of the Act, the Board may not be prosecuted, and a statutory notice may not be served on it. However, the Commission has introduced a system of special Crown Prohibition and Improvement notices for service on Crown bodies in circumstances where a statutory notice would have been served in the private sector. Whilst these cannot lead to prosecution in the Courts, it has been made clear to the Board that it should treat the service of such a notice as a matter of the greatest seriousness, and take all steps that it can to comply with its terms.

Because of the widespread concern among staff and their trades union representatives about their legal position under the Crown immune status of the Board, the Health and Safety Executive has stated that:

- (a) it has no intention whatever of prosecuting an individual PHLS employee in substitution for his/her employer (the Board);
- (b) it would only prosecute an individual employee in circumstances in which it would prosecute an individually employed person outside the Board's service, for example where there was wilful or reckless disregard for health or safety requirements, and the consequential contravention of Sections 7 and 8 of the Health and Safety at Work, etc. Act 1974. There is no question of prosecuting individuals for honest mistakes or because of defects in management organisation.

The Board wishes to emphasise that ultimate legal responsibility rests on the Board, and that it will not allow staff at any level (including Laboratory Directors, Heads of Departments, Head Medical Laboratory Scientific Officers, Safety Officers and other senior staff) to face legal actions on any matter which lies within the Board's area of responsibility as an employer.

5. IMPLEMENTATION OF THE BOARD'S POLICY

The Board will implement its policies, so far as is reasonably practicable, as follows:

5.1 Management's Responsibility

Overall responsibility for health, safety and welfare rests with the Board and its officers. At CPHL and CAMR level, the Director CPHL and the Director CAMR have an overall responsibility, and at Laboratory level throughout the Service, Directors of Laboratories are responsible for the health, safety and welfare of the Board's staff and other laboratory workers and visitors.

All Laboratory Directors, Heads of Departments and other staff with management authority will be informed of their responsibilities and duties by means of this policy document and other locally issued documents. It is the responsibility of the Laboratory Director/Head of Department to circulate Health & Safety policy documents to senior staff, safety representatives and all other staff.

Laboratory Directors/Heads of Department will compile an analysis of hazards and defects for all units, premises, work procedures, etc. under their control, and should seek all reasonably practicable means to remove or reduce such hazards and defects. These means may include formal reports to the Director of the Service or the Secretary to the Board, in cases where local initiatives do not achieve a satisfactory result, or additional allocations of revenue or capital are judged to be necessary.

5.2 Appointment of Safety Officers

Without detracting from his or her responsibility for safety, a Laboratory Director/Head of Department may delegate particular functions, and authority to carry them out, to his or her subordinates, including a Safety Officer, and a Deputy Safety Officer if appropriate.

A Safety Officer should be a member of staff of a grade sufficiently senior to discharge the responsibilities set out in the PHLS 'Safety Precautions: Notes for Guidance', who has voluntarily agreed to accept this designation.

The Director CPHL Colindale and the Director CAMR Porton Down must appoint a CPHL Safety Officer and a CAMR Safety Officer (full-time officers with 'safety' as their principal responsibility), and a Deputy Safety Officer if appropriate.

The functions and responsibilities of a Safety Officer will be stated in a locally issued job description which will incorporate the duties set out in the PHLS 'Safety Precautions: Notes for Guidance'.

A Safety Officer does not incur any greater legal liability than that which already exists for any laboratory employee with non-managerial functions, though the legal duty which the Safety Officer shares with his fellow employees may extend over a wider range of functions.

5.3 Laboratory/Department Safety Policies

Laboratory Directors/Heads of Department are responsible for drawing up Laboratory/Department safety policies, which must include:

- (a) Names of senior staff and their particular responsibilities for health and safety within the Laboratory/Department.
- (b) Reference to codes of practice, work manuals, legislation, etc., and details of where these can be seen within the Laboratory/Department.
- (c) Procedures for dealing with accidents and dangerous occurrences, and the reporting thereof, in accordance with the Board's policies.
- (d) Procedures for reporting by staff of any hazard.
- (e) Details of safe working procedures where particular risks are involved, and continuing evaluation of existing working methods to reduce hazards wherever possible.
- (f) Details of consultation procedures with Safety Representatives when introducing new procedures/equipment.
- (g) Details of the Fire Prevention Policy affecting the Laboratory/Department.
- (h) Records of all safety training undertaken by staff.
- (i) Regular safety audits within their Laboratory/Department.

- (j) Ensuring that new or hired plant/equipment conforms to safety standards.

5.4 PHLS 'Safety Precautions: Notes for Guidance

The Board has published a manual under this title offering guidelines on how the problems of ensuring safety in the Laboratory may be approached, and giving information about hazards of equipment, chemicals, the animal house, etc. This pamphlet should be made available to all members of the staff, including Safety Representatives.

5.5 Safety Committees

The Board requires, and the Act also requires if two or more Safety Representatives so request in writing, the Director CPHL and the Director CAMR, and Directors of Regional, Area, Reference and Special Laboratories independently sited, to establish a Safety Committee comprising appropriate numbers of management, staff and elected trades union safety representatives. Directors of constituent Laboratories in CPHL and CAMR are not precluded from establishing informal committees to assist them in safety matters, but the level at which formal Safety Committees should operate is a matter for discussion between CPHL and CAMR management and trades union representatives.

5.6 Joint PHLS/AHA Laboratories on Health Authority Premises

The majority of the Board's Regional and Area Laboratories are joint laboratories with AHA(T)s and AHAs, in the latter's premises. These Health Authorities will each have a Safety Policy, which will have been sent to Laboratory Directors.

Laboratory Directors have a joint responsibility to the PHLS Board and the local Health Authority under the Health and Safety at Work, etc. Act 1974, irrespective of their legal employer, and must conform to the Safety Policies of both organisations. In the unlikely event of there being a conflict of interest or interpretation or procedure between the two employers' policies, Laboratory Directors are requested to consult the Secretary to the Board and the local District Administrator, who will endeavour to resolve the issue.

5.7 Safety Advice and Information

The Microbiological Safety Reference Laboratory at CAMR, under the direction of Dr. A.E. Wright, is available to advise Laboratories on safety precautions and equipment. It provides a service for testing equipment for its microbiological safety, and for training Laboratory workers in safety precautions.

The Board's Headquarters officers will circulate further advice and information through DHSS 'Hazard' Notices, and PHLS (Administration) Circulars.

5.8 Reporting of Laboratory Accidents with Personal Injury; Potentially Hazardous Incidents; Laboratory-Acquired Infections

Procedures for recording and reporting personal injury accidents, potentially hazardous incidents, and laboratory-acquired infections are established, and will be kept under review. The details procedures will be found in the PHLS 'Safety Precautions: Notes for Guidance', and PHLS (Admin) Circular 4/80.

6. SAFETY REPRESENTATIVES

The Safety Representatives and Safety Committees Regulations 1976, which came into operation on 1 October 1978, prescribe the cases in which recognised independent trades unions (within the Health Services Whitley Councils) may appoint Safety Representatives, specify the functions of such Safety Representatives, and set out the obligations of employers (the Board) towards them.

6.1 Eligibility Requirements of a Safety Representative

A prospective Safety Representative must:

- (a) have been employed in the NHS/PHLS for at least two years;
- (b) adequately reflect the staff represented, e.g. by training, grade, qualifications;
- (c) be appointed by a recognised trades union.

A person will cease to be a Safety Representative if the trades union notifies the employer in writing that his appointment has been terminated, he ceases to be employed at the workplace, or he resigns.

6.2 Criteria for the Appointment of Safety Representatives

The number of Safety Representatives appointed will depend on:

- (a) the total numbers employed;
- (b) the variety of different occupations;
- (c) the size of the workplace, and the variety of workplace locations;
- (d) the operation of shift systems;
- (e) the type of work activity, and the degree and character of the inherent dangers.

6.3 Functions of Safety Representatives

- (a) To investigate potential hazards and dangerous occurrences at the workplace, and to examine the causes of accidents at the workplace.

- (b) To investigate complaints by any employee he or she represents relating to that employee's health, safety or welfare at work.
- (c) To make representations to the employer or its representative (Directors and the Board's officers) on matters arising out of (a) and (b) above.
- (d) To make representations to the employer or its representative on general matters affecting the health, safety or welfare at work of the employees at the workplace.
- (e) To carry out inspections of the workplace, or part of it, if they have given the employer, or its representative, reasonable notice in writing of their intention to do so, and have not inspected it or that part of it, as the case may be, in the previous three months, and may carry out more frequent inspections by agreement with the employer or its representative.
- (f) To represent the employees he or she was appointed to represent in consultations at the workplace, with Inspectors of the Health and Safety Executive, and any other inspecting authority.
- (g) To receive information from Inspectors.
- (h) To attend meetings of the Safety Committees constituted under the Act.

6.4 Inspection of Documents and Provision of Information

A Safety Representative is entitled, for the performance of his or her functions, to inspect and take copies of any document which the employer is required to keep by virtue of any relevant statutory provision within the meaning of the Act, except a document consisting of or relating to any health record of an identifiable individual.

6.5 Management's Responsibility to Director the Way in which the Work is Carried Out

Safety Representatives do not have any executive authority to give directions as to the way in which work is carried out; this remains the responsibility of management.

The powers and functions of Safety Representatives and Safety Committees are related to health, safety and welfare of employees, rather than to the duties imposed on the employer for ensuring that persons not in its employment are not exposed to risks.

6.6 Facilities to be Made Available to Safety Representatives

The Board accepts the responsibility to ensure that the Safety Representatives are given adequate facilities, support and reasonable time to undertake their functions. Safety Representatives are expected to request permission from their supervisor for time off to perform their duties, and this permission should not be unreasonably withheld. Safety

Representatives will be afforded reasonable time to attend approved training courses relevant to Health and Safety. The responsibility for informing, guiding and training Safety Representatives lies with the trades unions which appoint them. Directors should ensure that they are advised by the trades unions of the names of the Safety Representatives, which should be forwarded to the Personnel Officer at the Board's Headquarters Office.

Safety Representatives should be afforded facilities to make formal requests for tests to be conducted, and call in independent experts where necessary. Where the provision of any of the facilities referred to above become a matter for dispute, it should be processed through the established grievance procedure (currently under review).

7. CONSULTATION

The Board will consult formally with recognised trades unions on matters of health and safety through the machinery of a National Joint Staff Consultative Committee which will be established in the 1980-81 financial year.

The Board will consult as appropriate with any other relevant body on the implementation of its health and safety policy.

The Board's officers will consult informally with management and staff through existing channels of communication.

8. OCCUPATIONAL HEALTH SERVICE

The Board requires the Director CPHL and the Director CAMR, and the Directors of Regional, Area and independently sited Reference and Special Laboratories to make appropriate arrangements for an Occupational Health Service, in accordance with the PHLS 'Safety Precautions: Notes for Guidance'.

9. FIRE PREVENTION

The Board's policy on Fire Prevention is contained in the PHLS 'Safety Precautions: Notes for Guidance'.

10. DISCIPLINARY PROCEDURE

Employees who disregard the responsibilities outline in paragraph 3 and the Safety Policies established at Board and Laboratory level will be subject to disciplinary proceedings in accordance with the Disciplinary Procedure set out in the Board's Establishment Code (currently under review).

11. GRIEVANCE PROCEDURE

Employees having reason to register a complaint about the inadequacy of safety precautions should do so in accordance with the Grievance Procedure (currently under review).

Representatives of the various industries and labor organizations are invited to participate in the study of the problem of occupational safety and health. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational safety and health conditions in the United States.

The Board will conduct a study of the problem of occupational safety and health in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational safety and health conditions in the United States. The Board will conduct a study of the problem of occupational safety and health in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational safety and health conditions in the United States.

The Board will conduct a study of the problem of occupational safety and health in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational safety and health conditions in the United States. The Board will conduct a study of the problem of occupational safety and health in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational safety and health conditions in the United States.

8. OCCUPATIONAL HEALTH
The Board will conduct a study of the problem of occupational health in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational health conditions in the United States. The Board will conduct a study of the problem of occupational health in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of occupational health conditions in the United States.

9. TIME PREVENTION
The Board will conduct a study of the problem of time prevention in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of time prevention conditions in the United States. The Board will conduct a study of the problem of time prevention in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of time prevention conditions in the United States.

10. DISABILITY PREVENTION
The Board will conduct a study of the problem of disability prevention in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of disability prevention conditions in the United States. The Board will conduct a study of the problem of disability prevention in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of disability prevention conditions in the United States.

11. RESEARCH
The Board will conduct a study of the problem of research in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of research conditions in the United States. The Board will conduct a study of the problem of research in the United States. The study should be conducted in a manner which will result in the development of a comprehensive program for the improvement of research conditions in the United States.



