



## Honest Employment Law Practice Ltd

*Help! On your terms!*

With the new Corporate Manslaughter laws now in force and the first successful prosecutions completed, it is very important that you take steps to properly manage your health & safety risks.

Here are Ten Top Tips:

- 1.** Provide strong leadership and promote a consistent health and safety culture as well as compliance with health and safety laws. Ensure management decisions reflect your commitment to health and safety.
- 2.** Keep records of all employees' training and consider refresher training to ensure employees can recall instruction.
- 3.** Risk assessment is not just a paper exercise. Systematically consider all risks inherent in your business. Ensure all risk assessments are recorded, communicated, understood and applied. All accidents and near misses should prompt a review of risk assessments. Are there procedures which should be revised? Could the incident have been avoided?
- 4.** Some accidents are simply accidents and are not always evidence of failing systems. Avoid over reacting and make recommendations for change in context.
- 5.** Retain records of the inspection and maintenance of all equipment for a minimum of three years. An incident viewed as a minor occurrence may, over time, give rise to a claim and the records could provide valuable evidence.
- 6.** Repair defects in machinery and equipment as soon as possible. Keep records of all defects and take defective equipment out of use until repaired. Establish a defect recording system and train all employees in its use.
- 7.** Provide occupational health services if appropriate to the work performed by your employees. This may include regular screening, e.g., audiometry, spirometry, and also detailed 'well person' medical tests. Ensure you act on any findings and if necessary, change an employee's role accordingly.
- 8.** Provide employees with appropriate personal protective equipment (PPE). Record the issuing of PPE and training. Check that the PPE is used and if employees fail to use their PPE, stress the importance and benefits of its use and keep a record.

**9.** Arrange adequate insurance cover, to include legal representation in the event of an accident causing serious injury or death which may lead to a potential HSE or corporate manslaughter prosecution.

**10.** Implement a procedure which should be followed as soon as a serious or fatal accident occurs involving an employee or visitor to your premises. This procedure should include immediate notification to your insurers and legal representation. Co-operate with the investigating authorities, but advise your solicitors if the HSE or police seek to take statements from any employees. Do not agree to attend an interview under caution without seeking legal advice first and obtaining legal representation.



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