

PRESS RELEASE

STEPHENS & SON

SOLICITORS

Question:

Given that the penalties for breaking the regulations in the new health and safety offences act have become more severe, as of January 2009, with managers and directors now facing imprisonment as well as larger fines, which area of health and safety would you advise businesses to pay particular attention to?

Answer: by John Holder, Stephens & Son

All health and safety issues should be treated with the utmost respect by employers however, the recent changes in the law, together with an increase in penalties for breaking health and safety laws, means that:-

- the maximum fine in the Magistrates Court has risen to £20,000
- both the Magistrates Court and the Crown Court can send employers to prison for a greater number of offences
- some offences which could only be tried in the Magistrates Court can now be tried in the Crown Court and
- at present the fine in the Crown Court is unlimited

What does this mean for employers? There are no extra health & safety duties but the act is intended as a deterrent to those businesses that do not take the issue seriously. The Health & Safety Executive is on record as saying that they will continue to target those who knowingly cut corners, put lives at risk and who gain commercial advantage over competition by failing to comply.

Which area would I advise employers to target? This is the “I wouldn’t start from here” question. For an employer who has so far failed to ensure that it is compliant I would start with the most serious risks, relevant to the company environment, and work downwards. Target first the risks that present a real and imminent danger of death, then those likely to cause personal injury and finally, those concerned with the comfort of the employee.

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But get on with it straightaway - where have you been if you didn't realise that health & safety is such an important area?

ENDS

