

Newsletter Jan 09

The Health and Safety (Offences) Act 2008 comes into force on 16 January, prompting a raft of warnings to employers who may be tempted to cut corners in the credit crunch that it may end up costing them their business, and even their freedom.

I have a copy of the Act for those of you who would like more information

The new Act raises the maximum fine that can be imposed by the magistrates' courts for breaches of health and safety legislation from £5000 to £20,000 and makes imprisonment an option for more offences.

Chief executive of the Health and Safety Executive, Geoffrey Podger, pointed out that, although the Act does not impose any new duties on employers or businesses, it will act as "a real deterrent" to those who do not take their health and safety responsibilities seriously. He added: "Our message to the many employers who do manage health and safety well is that they have nothing to fear from this change in law. We will retain the important safeguards that ensure that our inspectors use their powers sensibly and proportionately. We will continue to target those who cut corners, put lives at risk, and who gain commercial advantage over competitors by failing to comply with the law."

IOSH echoed the HSE's assertion that good employers have nothing to fear. In fact, said immediate past president, Ray Hurst, "they have everything to gain from the creation of a more level playing field. Why should firms put lives at risk gain an advantage over those who do things by the book? The result of this Act will be that those who flout the law on health and safety will now face bigger penalties."

Kevin Chicken, training and consultancy manager for Norwich Union Risk Services, had some advice for any business thinking about reducing spend on health and safety: "Neglecting health and safety is the ultimate false economy and can lead to organisations seeing their accident rates become as much as eight times higher than those with well-trained teams. Insurance may provide cover for the costs associated with injuries, ill health, or damage resulting from an accident but there will be other costs that are uninsurable, such as fines, lost time, sick pay, lost contracts, as well as the impact on the business's reputation, which may be irrecoverable."

His comments were echoed by the British Safety Council, whose chief executive, Brian Nimick, said: "It is essential that workers are trained and, where appropriate, qualified to identify and manage the risk they face in the workplace. The legal, moral and business justification for such an approach is overwhelming, regardless of the difficult times we are in."