

## Health and safety at work

### 1 . Keeping everyone safe

All employers have the following legal responsibilities:

- a 'duty of care' for workers, customers and anyone else who visits the workplace, under the Health and Safety at Work Act 1974
- a duty to carry out 'suitable and sufficient' risk assessments, under the Management of Health and Safety at Work Regulations 1999

This means that by law employers must:

- identify any risks to health or safety at work, for example by carrying out a risk assessment
- take steps to prevent or reduce health and safety risks

A risk is something that could cause harm to someone. [Find examples of common workplace risks from the Health and Safety Executive \(HSE\).](#)

### Employer responsibilities

An employer is responsible for:

- identifying risks – for example, by doing [risk assessments](#)
- deciding how to remove or reduce risks
- making changes to avoid or reduce risks
- keeping a record of the action they took
- regularly reviewing changes
- following their organisation's health and safety policy

If someone reports a risk, the employer must take it seriously and take action to protect everyone at work.

[Read advice about assessing and managing risks from the Health and Safety Executive](#)

### Worker responsibilities

A worker must follow their organisation's health and safety policy. This includes training and following instructions. For example, verbal instructions during an incident or written instructions about preventing and reporting risks.

If a worker notices a health and safety risk at work, they must do all they reasonably can to:

- avoid the risk
- reduce the risk in a safe way
- report the risk to the most appropriate person

[Find out more about reporting a risk](#)

## Having a policy

Employers should have a health and safety policy.

A policy can help make clear:

- that health and safety concerns will be taken seriously
- what workers are responsible for, including mandatory training
- what managers are responsible for, including risk assessments
- how to report a risk
- how to report an accident
- what to do when a risk or accident is reported
- what to do in an emergency

Employers should support everyone to follow the policy. They should:

- share the policy regularly across the whole organisation
- use it as the basis for any health and safety training for managers
- include the policy in any induction process
- regularly review the policy

When developing and reviewing a policy, an employer should also consult any recognised trade unions or other worker representatives they have. They should check if there's any agreement that says the employer must formally consult them.

Things to talk about could include:

- how health and safety is being reviewed and managed – employers should share their latest risk assessment
- any changes to safety measures at work
- any flexible working arrangements, including working from home and hybrid working

Find out more about:

- [writing a health and safety policy \(Health and Safety Executive\)](#)
- [talking to workers about health and safety \(Health and Safety Executive\)](#)
- [consulting employees and their representatives](#)

## Having a health and safety committee

If an organisation has several health and safety representatives, it's good practice to set up a health and safety committee. This can help representatives work together to keep everyone safe and healthy at work.

Health and safety representatives appointed by a trade union can ask an employer to set up a committee by making a written request. If 2 or more representatives make a written request, the employer must set up a committee within 3 months.

[Read advice on health and safety committees from the Health and Safety Executive](#)

## Agency workers

If an employer hires a worker through an agency, both the hirer and the employment agency have responsibility for the workers' health and safety.

[Read advice on health and safety for agency workers from the Health and Safety Executive](#)

## 2. Risk assessments

By law, employers must assess the health and safety risks in their organisation. They must do this for all places where work is carried out. This includes working from home and working remotely.

Employers should involve workers to:

- identify any risks
- decide how to remove or reduce the risks
- make any changes to avoid or reduce risks

If an employer hires workers through an agency, they must include them in risk assessments.

Employers should review risk assessments regularly to make sure everyone's working environments remain safe and healthy.

[Find advice on risk assessments from the Health and Safety Executive \(HSE\)](#)

### When a risk assessment needs to be in writing

By law, an organisation with 5 or more workers must do a written risk assessment.

An organisation with less than 5 workers does not have to do a written assessment. But it's still a good idea to do this, so that:

- everyone knows what they've agreed to do to reduce the risks
- the employer is taking their duty to consider risks seriously

[Download a risk assessment template from the Health and Safety Executive](#)

### Individual risk assessments

In some situations, an employer must do a risk assessment for an individual person.

For example:

- if someone tells their employer in writing they are pregnant, breastfeeding or have given birth in the last 6 months
- to protect someone from stress

Find out more about:

- [pregnancy and maternity risk assessments](#)
- [stress risk assessments](#)

### If a worker is unhappy with a risk assessment

If a worker is not happy with how a risk assessment is handled, they can raise this with their employer. It's usually best to raise the problem informally first by [talking with their employer](#).

If that does not resolve the issue they can [raise a grievance](#). This is where they make a formal complaint to their employer.

If someone works through an agency, they can also raise it with their employment agency.

For any questions about raising a problem, [contact the Acas helpline](#).

### 3. Reporting a risk

If a worker notices a health and safety risk at work, they must do all they reasonably can to:

- avoid the risk
- reduce the risk in a safe way
- report the risk to the most appropriate person

A health or safety risk is something that might cause harm to someone. [Find examples of common workplace risks from the Health and Safety Executive \(HSE\)](#).

#### If a worker is in serious or imminent danger

If a worker is in serious and imminent danger and they cannot safely remove the risk, they can either:

- leave the work area
- leave the workplace
- refuse to return to work

If someone takes one of these actions, they might be [protected from dismissal or detriment](#).

### Reporting a risk

To report a health and safety risk, a worker should:

- speak to a health and safety representative
- speak to their employer, if there are no representatives
- follow any procedure their organisation has for reporting health and safety risks

If a worker reports a risk, the employer must take it seriously and take action to protect everyone at work. The employer should let the worker know what action they took and why.

Workers can also report health and safety issues to the Health and Safety Executive or their local authority if:

- they've raised the issue with their employer
- their employer has not responded or taken any action

You can:

- [report a health and safety issue to the Health and Safety Executive](#)
- [contact the Acas helpline](#), if you're not sure who to report health and safety issues to

### 4. Protection from dismissal and detriment

If someone takes action over a health and safety issue at work, they may be legally protected from dismissal and 'detriment'.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

## If a worker is in serious and imminent danger

If a worker is in serious and imminent danger they may not be able to remove a risk safely.

In this situation, their employer must not cause them detriment because they either:

- left the work area
- left the workplace
- refused to return to work
- took other steps to protect themselves or others

## Extra protection for employees

Anyone with the [legal status of employee](#) has extra protection if they take action over a health and safety issue. This protection is from both:

- unfair dismissal
- detriment

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

An employer must not dismiss an employee or cause them detriment because they:

- reported a health and safety issue to an appropriate person
- left work or refused to return to work, because they were in serious and imminent danger and unable to remove a risk safely
- took other steps to protect themselves or others, because they were in serious and imminent danger and unable to remove a risk safely
- took part in a health and safety consultation with the employer – or planned to take part in it
- took part in an election for health and safety representatives – this includes candidates, whether they were elected or not

## If an employee has a health and safety role

If health and safety is part of an employee's job or role, their employer must not dismiss them or cause them detriment because:

- they're a health and safety representative
- they're a member of a health and safety committee
- they prevented or reduced a health and safety risk, in line with their health and safety duties

## Whistleblowing

If someone reports a health and safety issue in the public interest, they could be protected under whistleblowing law.

[Find out more about whistleblowing at work](#)

## If someone is dismissed or experiences detriment

If someone is dismissed or experiences detriment related to health and safety, they should [raise it with their employer](#).

If this does not resolve the problem, they could consider making a claim to an employment tribunal.

## Making a claim to an employment tribunal

If someone has the [legal status of employee](#), they can make a claim to an employment tribunal for:

- [unfair dismissal](#)
- detriment

Dismissal for taking action over a health and safety issue is classed as 'automatically unfair dismissal'. Employees are protected from automatically unfair dismissal from the first day they start a job.

If someone has the [legal status of worker](#), they can make a claim to an employment tribunal for detriment. They cannot make a claim for unfair dismissal. But being dismissed might count as a detriment.

Find out more about:

- making a claim to an [employment tribunal](#)
- [employment tribunal time limits](#)

## Interim relief for health and safety representatives

If a health and safety representative makes a claim for unfair dismissal, they may also be able to claim interim relief.

Interim relief is used to prevent financial difficulty in the time before the case has its full employment tribunal hearing.

They must make an application for interim relief within 7 days of the 'effective date of termination'.

[Find out more about interim relief](#)

## Get more advice and support

[Find more advice on health and safety at work from the Health and Safety Executive \(HSE\)](#)

If you have a question about making a claim to an employment tribunal, [contact the Acas helpline](#).