

Human Resources & Health and Safety



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Health and Safety Update

Common Sense, Common Safety ...

Lord Young's Review into Health and Safety ...

This month's newsletter provides you with a summary of the recommendations made by Lord Young, following his review into health and safety legislation and how this is applied in practice in workplaces across the UK, which was published in October 2010. The review was requested by the Prime Minister, David Cameron, due to the negative public perception of health and safety and the rise of the compensation culture in the UK.

In summary, Lord Young found that the 1974 Health and Safety at Work Act and associated regulations do provide an effective framework for businesses and individuals to follow. As a result, the UK currently has the lowest number of fatal accidents at work in Europe. However despite this success, public perception of health and safety is low and there is a growing fear among business owners of costly unreasonable compensation claims.

Lord Young found that sensible health and safety legislation/rules, necessary in hazardous occupations, is being applied across ALL occupations. He believes that this is because the European Union's Framework Directive of 1989 made risk assessments compulsory across all occupations, whether hazardous or not and also because health and safety legislation is being interpreted and translated into advice by unqualified health and safety consultants who attempt to eliminate all risk rather than apply the test in the Health and Safety at Work Act of a 'reasonably practicable' approach.

In summary, the recommendations include;

Compensation Culture

- Increasing control of referral agencies and personal injury lawyers and restricting how they market the 'no win, no fee' system.
- Introducing a simplified claims procedure for personal injury claims, which may also be extended to cover low value medical negligence claims.
- Clarifying, with legislation if necessary, that people will not be held liable for any consequences due to well-intentioned voluntary acts on their part.

Low Hazard Workplaces

- Simplifying the risk assessment procedure for low hazard workplaces, i.e. offices, classrooms, shops etc. The Health and Safety Executive (HSE) have been asked to provide simpler risk assessment tools to cover low hazard workplaces and periodic checklists which will enable employers operating within these environments to check and record their compliance with regulations.

Health and Safety Advice

- Improving health and safety advice by requiring health and safety consultants to hold an accredited qualification and accreditation to a professional body.
- Introducing a web based directory of accredited health and safety consultants.

Insurance

- Ceasing the current practice that requires businesses, operating in low hazard environments, to employ health and safety consultants to carry out full health and safety risk assessments.
- However, where it is necessary, for insurance purposes, for health and safety consultants to be employed, these should be appropriately qualified and listed on the web based directory.

Health and Safety Legislation

- Simplified legislation for small to medium sized businesses operating in low risk environments.

Key milestones are included in the report and indicate a time-table during 2010 and 2011 for the implementation of Lord Young's recommendations.

Employment Law Update

Increases to Statutory Compensation Limits and Payments Rate

From 1 February 2011 the following increases will apply to employment tribunal awards;

- a 'weeks pay' will rise from £380 per week to £400 per week
- maximum compensatory award for unfair dismissal will rise from £65,300 to £68,400
- guaranteed pay will increase from £21.20 a day to £22.20 a day

From April 2011 the following increases will apply to statutory payment rates;

- Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP) and Statutory Adoption Pay (SAP) rates will increase from £124.88 to £128.73
- Statutory Sick Pay (SSP) will increase from £79.15 to £81.60.
- The weekly lower earnings limit (LEL) for SMP, SPP and SAP payments will also increase from £97 to £102.

Statutory Retirement Age

The government's consultation on the default retirement age closed on 21 October 2010 and we are currently awaiting a response from the government.

Merry Christmas and a Happy New Year from Hassle Free HR

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing ehedley@hasslefreehr.co.uk or by calling 02476 670381 or 07817880943.

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