

Duties of Employees



In addition to the large number of, and wide ranging duties on employers in respect of health and safety, employees also have duties in respect of health and safety in the workplace.

Under Section 7 of the Health and Safety at Work etc Act 1974, it is the duty of every employee whilst at work to take reasonable care for the health and safety of himself and others who may be affected by his acts or omissions at work.

Employees must also co-operate with their employers so far as is necessary to enable their employers to comply with any duty or requirement imposed on them.

Section 8 of the same Act applies to all persons and creates a duty not to intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare.

Also, employees have a number of specific duties under industry specific, activity specific and hazard specific regulations. These include, for example:

- A duty under the Management of Health and Safety at Work Regulations 1999 (as amended) to use any machinery, equipment, dangerous substance, transport equipment, means of production or safety device provided to him by his employer in accordance both with any training and use of the equipment concerned which has been received by him and the instructions respecting that use which have been provided to him by the employer;
- A duty under the same regulations to inform his employer or any other employee with specific responsibility for the health and safety of any work situation or other matter would could reasonably be considered as representing a serious and immediate danger to health and safety or represents a short coming in the employees protection arrangements for health and safety;
- A duty under the Work at Height Regulations 2005 to report to the person under whose control he is working, any activity or defect relating to work at height which he knows is likely to endanger the safety of himself or another person;
- Duties under the Personal Protective Equipment at Work Regulations 1992 to ensure that any personal protective equipment is used in accordance with the training and instruction given to him by his employer, to take all reasonable steps to ensure that it is returned to the appropriate place after its use and to report any loss or defect in that equipment to an employer; and
- Duties under the Control of Substances Hazardous to Health Regulations 2002 to co-operate with their employer in respect of health surveillance specifically attending appointments during working hours and providing information to the doctor, to make full and proper use of any control measure and to report any accident or incident which has or may have resulted in the release of a biological agent which could cause severe human disease.

If convicted of a breach of these duties, individuals face a fine and/or a term of imprisonment of up to two years.

It is important that your employees are fully aware of the specific responsibilities they have. Training and further information on this subject is available from Osborn Abas Hunt. Please contact us for further information.