



HEALTH AND SAFETY – A BURNING ISSUE



One year on from the introduction of the new health and safety sentencing guidelines, we have witnessed a continual rise in the level of fines being imposed on employers in all sectors. It is now critical that employers put employees' health and safety at the top of their agenda and that risks within the workplace are identified and managed effectively.

- ▶ The health and safety industry has continued to feel the impact of the new health and safety sentencing guidelines which were introduced on 1 February 2016. The hospitality industry has recently felt its full force with fast food restaurant chain KFC incurring a fine of £900k at the beginning of 2017 after two employees suffered serious burns in two of their restaurants.
- ▶ The enforcement action taken against KFC occurred as a result of incidents in which the employees were not wearing the appropriate personal protective equipment (PPE) whilst handling hot liquids.
- ▶ New PPE Regulations are set to be introduced in April 2018 replacing the longstanding 1992 Regulations. Safety managers within all establishments (including restaurants, bars and pubs) will need to ensure that changes are implemented to meet the new legislation to avoid enforcement action by the authorities and the potential for increased fines.
- ▶ The focus within the health and safety sector has recently turned to occupational health and the wellbeing of the workforce. This drive will be visible in every sector and will tackle work-related illnesses and mental health. The emphasis will be on employers to assess the risk and provide services and support to all workers, to ensure they are doing all they can to manage these risks at work.
- ▶ With the spotlight now on health and wellbeing, we expect to see a rise in enforcement action and prosecutions relating to workplace stress and illnesses over the next twelve months. Factors such as working hours, shift patterns, rest breaks and sickness days, and how employers manage these issues, will be a keen focus for enforcing bodies in 2017 and beyond.
- ▶ The new guidelines have already led to eye watering fines which have hit the pockets of shareholders. We expect the current trend of massive fines to continue. It is now more crucial than ever for businesses to ensure their health and safety duties are complied with to avoid the potential for huge financial penalties which are only set to increase.

"AG's health and safety offering 'sits at the top of the tree', and combines 'meticulous preparation with first-class client handling'"

How we can help

PROACTIVE ADVICE	IF THINGS DO GO WRONG
Legislation, regulations, policies and risk exposure	24/7 crisis support for major incidents and investigations by the relevant regulatory authority
Strategy and proactive audit	We mount our own legally privileged investigations on behalf of clients in order to protect their position with regard to anticipated civil and criminal proceedings
Criminal and civil liability	Representation from initial dealings with regulatory authorities through to trial
TRAINING YOUR TEAM	REDUCING COSTS
Training for all levels of your business	Competitive fee proposals
Crisis management and the Health & Safety (Offences) Act 2008	Embedded Transaction Services Team of paralegals
New sentencing guidelines for health and safety and food crime matters	Development of standard precedents and approaches

Who we've helped

Having been entrusted with the work of the Health and Safety Executive for over 25 years, we have considerable experience in this area combining both prosecution and defence work. However, we voluntarily handed back this contract to concentrate on defence work. This almost unique and unrivalled offering within the UK's legal market provides us with a platform to give our clients balanced, incisive and commercial advice on any health and safety issues arising out of their business activities, as well as being able to look at a client's systems with the "eyes" of the regulator.

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