All employers and employees have a responsibility to adhere to the legislation that affects them, such as:

• health and safety legislation, which may relate to using equipment in the workplace safely, making sure fire exits remain accessible and reducing hazards in the workplace

• European Union laws, such as the Working Time Directive, which states every employee has the right to work no more than 48 hours per week and the right to at least 11 hours' rest in any 24 hours, and sets a minimum annual holiday entitlement

• data protection legislation, which affects the ways that organisations and employees can use customer data, and how long an organisation may keep information.
The Health and Safety at Work etc. Act

This Act from 1974 is the primary piece of legislation covering work-related health and safety in the UK. It sets out a lot of your employer’s responsibilities for your health and safety at work and the Health and Safety Executive is responsible for enforcing health and safety at work.

Your employer has to appoint a safety representative – a ‘competent person’ with health and safety responsibilities. This is usually one of the owners in smaller agencies, or a member of staff trained in health and safety in larger ones.

Your employer has a ‘duty of care’ to look after, as far as possible, your health, safety and welfare while you are at work. They should start with a risk assessment to spot possible health and safety hazards.

For businesses employing five or more people, there must also be:
- an official record of what the assessment finds (your employer has to put plans in place to deal with the risks)
- a formal health and safety policy (see page 4), including arrangements to protect your health and safety; you should be told what these are.

Employer provision

All employers, whatever the size of the business, must make the workplace safe and prevent risks to health. This duty includes (but is not limited to) the following:
- provide adequate first aid facilities
- set up emergency plans
- make sure that ventilation, temperature, lighting, and toilet, washing and rest facilities all meet health, safety and welfare requirements
- check that the right work equipment is provided and is properly used and regularly maintained
- prevent or control exposure to substances that may damage your health
- provide health supervision as needed
- ensure that the right warning signs are provided and looked after
- make sure that workplaces are properly ventilated, with clean and fresh air
- keep temperatures at a comfortable level – a minimum of 13°C where the work involves physical activity or 16°C for sedentary workplaces – e.g. offices, but there is no maximum limit
- light premises so that employees can work and move about safely
- keep the workplace and equipment clean
- ensure that workrooms are big enough to allow easy movement with at least 11 cubic metres per person
- provide workstations to suit the employees and the work
- make floors, walkways, stairs, roadways, etc. safe to use
- store things so they are unlikely to fall and cause injuries
- fit windows, doors and gates with safety devices if needed
- provide suitable sanitary facilities and clean drinking water
- set aside areas for rest breaks and to eat meals, including suitable facilities for pregnant women and nursing mothers
- let employees take appropriate rest breaks and their correct holiday entitlement.

Key term

Sedentary – involving little physical movement; sedentary activities include sitting, reading, watching television and computer use.
The Health and Safety at Work etc. Act sets out the minimum responsibilities of employers. Some employers go beyond the requirements of the Act and provide additional support such as an employee assistance programme, which gives the employee access to services such as psychological counselling.

**Employee responsibilities**

You have responsibilities for your own health and safety at work, and also for maintaining a healthy and safe working environment. Some of your responsibilities in the workplace are as follows.

- Take reasonable care within the workplace: this means you need to minimise health and safety risks. For example, you should make sure there are no trailing wires around your workstation and that you do not create any trip hazards in walkways.
- Make proper use of equipment: your employer should provide training for you to use any specialist equipment. It is your responsibility to make sure you use the equipment in a proper and safe manner.
- Cooperate with your employer: your employer may have workplace policies to reduce health and safety risks, report accidents, etc., and it is your responsibility to comply with these.
- Ensure security vigilance: you have a responsibility to be vigilant for security threats. This means making sure that visitors to your office are registered using the appropriate workplace procedures, etc.

2 **Staff records and data protection obligations**

The Data Protection Act 1998 is concerned with personal data – information about living, identifiable individuals held on computer or in certain structured manual filing systems. The Act sets out eight data protection principles that are law. These principles are shown in Figure 1.2.1.
### 3 Workplace policies

In order to help employees fulfil their legal obligations with legislation such as the Health and Safety at Work etc. Act, many employers set workplace policies. These often combine the legal requirements with any additional measures and services that the employer chooses to provide for its employees.

Some common workplace policies include the following.

- **Health and safety policy and regulations**, which may set out the employee and employer's legal responsibilities. In addition to this, your employer may use this policy to set out additional support, such as occupational health. This is a service that seeks to identify the impact of work on your health and to help employees as needed. It may also be covered by an employee assistance programme.

- **Bullying and harassment policy**, which will set out the standards of acceptable behaviour within the workplace. It will also set out the procedures for reporting bullying and harassment. In most instances, the employer will seek to offer a **mediation** service to resolve workplace issues.

- **Drug and alcohol policy**, which will set out your employer's stance on drugs and alcohol within the workplace.

### 4 Why policies and procedures are important

There are many benefits to following the legislation and procedures that affect us in the workplace. Some of these are listed below.

- **Health, safety and personal welfare at work**: the obvious benefit to working in a healthy and safe environment is that you are less likely to risk your personal welfare at work. Reducing the risks and hazards in your workplace helps contribute towards this.

- **Prevent injuries and illness to self or others**: according to the Health and Safety Executive, 26.4 million working days were lost due to work-related illness and workplace injury in 2010/11. The cost to the economy and employers of this is substantial, and injuries and illness affect employees’ life outside of work. You and your employer’s health and safety responsibilities help to reduce sickness leave.

- **Protection of personal data**: your employer holds a lot of information about you, as well as any customers they deal with directly. The Data Protection Act prevents your employer from using this information for purposes other than those the information was originally gathered for and means that they cannot keep the information for longer than necessary. This helps to protect information about you, such as your address, date of birth, etc.

- **Protection of property and equipment**: offices are full of expensive equipment, so security procedures help to keep that equipment safe from thieves. Those same security procedures also help to protect your personal belongings while you are in the workplace. Having access to the right equipment helps to maintain workplace productivity and will help you to meet performance targets.
**Unit 1: Principles of personal responsibilities and how to develop and evaluate own performance at work**

- **Improve working practices**: policies and procedures are in place for a reason. By following these you will help to improve your working practices and make sure you and your employer work within your legal requirements.

**Portfolio activity**  
2.1, 2.2

In order to complete the assessment for this unit, you will need to demonstrate your understanding of the health and safety and security procedures in your workplace, and why these exist. To prepare for this part of your assessment, address the following questions.

1. Explain your responsibilities as an employee for health, safety and security in your workplace or other business environment.

2. Explain an employer’s responsibilities for health, safety and security in the workplace or other business environment.

3. Explain why it is important for health, safety and security procedures to be followed in a business environment.