

ULTRA ACCESS

Bonus / Month 13 Newsletter

Duty of Care - the ONLY phrase you need to know

In UK Health and Safety Law, "**DUTY OF CARE**" refers to the moral and legal obligation on employers, contractors, and others to take reasonable steps to ensure the health, safety, and welfare of employees and anyone affected by their work activities and/or actions in the workplace.

This principle is primarily enshrined in the **Health And Safety At Work** etc. Act 1974 (HASAW), the cornerstone legislation enforced by the **Health and Safety Executive** (HSE).

Section 2 of the Act requires employers to ensure, so far as is "**reasonably practicable**", the health, safety, and welfare of their employees, including safe systems of work, training, and supervision.

Section 3 of the Act, this extends to non-employees, such as contractors or the public, who may be impacted.

Of all the ambiguous language within Health and Safety Law there are a few that are very deliberate in their phrasing...

... "**reasonably practicable**" being a common-sensical phrase from a realistic cost/time management perspective and more importantly - **DUTY OF CARE** is crystal clear in its meaning and rightly or wrongly it effects everyone at the workplace, from the canteen staff, to the project directors, and everyone above, below and all in between.

If you are a scaffolder (for instance), carrying out your task at work, and you knowing work to outside of your agreed / signed RAMS, and endanger others by your actions, you have failed in your moral and legal obligation to **DUTY OF CARE**, and the same goes for management within a scaffolding company who do not provide suitable instructions, guidance and by not ensuring their operatives have a recognised level of competency and training... they too would also have failed.

And in this day and age of blaming others, over taking accountability, the risks of serious legal and financial repercussions coming back towards those who are deemed to have failed their **DUTY OF CARE** obligations.

You can apply this principle to everywhere throughout your daily lives...

... leave your new born child unsupervised and they fall down the stairs, or allowing your dog to run into a busy road, all the way to texting whilst driving your car - all these can be legally seen as a failure to carry out basic duty of care obligations.

Ultimately, the very nature of scaffolding already places it as a high risk and dangerous job, so extra consideration should be given to ones **DUTY OF CARE** as and when at the workplace.

