



## Risk Assessment – The Law

- Louise Mansfield, Pinsent Masons

### Key Points:

- MHSWR 1999 requires every employer to make a suitable and sufficient assessment of health and safety risks to which both their employees and others may be exposed by their activities.
- All risk assessments must be regularly reviewed – by the originator - to ensure they are still valid eg an activity or risk may no longer exist or there may have been significant changes.
- There are a number of steps to RA – first identify the hazards and who may be at risk of harm, evaluate the risk, assess/review controls and ensure these measures are implemented. Document your findings – this may be required as evidence following an incident/accident.
- Remember the Hierarchy of Controls (“ERIC PD”) – the first one being to eliminate the risk as far as possible and the final one being to provide PPE to the employee.
- Always involve employees who are undertaking the task – they will likely have opinions/ideas about the risks/hazards and the best way to alleviate/eliminate them.
- Common RA pitfalls found by investigating lawyers: RA not done, irrelevant to activity, out of date, recommendations unrealistic or not complied with, not disseminated to employees.
- Things to remember: the person writing the RA should be competent and trained to do so. If you plan to have it approved, make sure that you do so.
- Fire Risk Assessments – ascertain who is responsible for these and what their duties are. Ensure FRAs are kept up to date and include adequate, appropriate and sufficient measures to protect people. Challenge any impractical suggestions. Have regular review dates.
- Points to consider: Keep access to emergency exits clear; install and maintain fire detection and warning systems; maintain fire fighting equipment . Inform staff of procedures.