

Shopping centre managers have been warned to avoid a safety 'own goal' during the recession, as new health & safety regulations come into place.



January 2009 saw the Health and Safety (Offences) Act - one of the most significant changes to UK law for shopping centre managers - coming into force, and placing them firmly in the firing line in the event of health and safety breaches.

Most recent figures available show that on average the Health and Safety Executive (HSE) and local authorities prosecute around 1,500 companies each year and issue roughly 13,000 enforcement notices against firms behaving in unsafe ways.

From 16 January the maximum Magistrates' Court fine for most safety breaches rose from £5,000 to £20,000. It is now also possible for them to jail offenders for up to 12 months for more offences than ever before.

The Act arrives as many companies are looking to save money during the recession, but it is essential that risk management measures and safety training remain at the forefront of priorities both in order to avoid paying the potentially higher penalties and to protect firms from irreparable reputation damage.

Early this year judges will be given guidelines on sentencing those convicted of Corporate Manslaughter, following the introduction of the Corporate Manslaughter Act in April 2008, and it appears that the Health and Safety (Offences) Act may have been brought in to ensure that it is not only workplace fatalities that are dealt with seriously but also breaches that could lead to harm or serious injury.

The new Act will not impose any specific new duties on senior management but will reinforce their accountability in respect of existing obligations to protect employees and also makes specific reference to the safety of the general public.

This will increase pressure on shopping centre managers to install mechanisms that will ensure health and safety risks are managed effectively throughout the organisation.

With up to 100,000 people visiting some of the UK's busiest shopping centres each day, slips and trips are one of the main areas of concern for centre managers. Around 20 per cent of all accidents recorded in the UK are a result of slips and trips and with the Health and Safety (Offences) Act making a specific reference to the safety of members of the public, it is essential that there are procedures in place to avoid incidents occurring.

Under the new Act, safety failures by such contractors could rebound heavily upon the site owners unless they can demonstrate a clear policy and procedure for ensuring — as far as is reasonably practicable — the safe practices of such third parties. A good example of this would be signing up to a third party accreditation scheme.

The new Act is a clear call for companies to ensure that the senior centre management team and others responsible for safety on the ground have had the necessary training to assess and manage risks and avoid high fines and possible imprisonment.

With more than 24m days being lost each year as a consequence of workplace accidents, in the current economic climate where employee productivity is essential, it would be foolish to ignore the new legislation and not use it as an opportunity to revisit risk management strategies and health and safety policies to ensure they are of the highest possible standard.

Article taken from Shopping Centre Magazine, January 2009.