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Health and Safety Law ^[1]

An employer has a responsibility to all its employees to ensure that there are health and safety regulations in the workplace.

Some of the key rights that an employee is entitled to include: -

- To be equipped with the necessary safety equipment free of charge.
- To be able to inform his/her employer of any Health and Safety concerns that they may have without fear of any disciplinary action.
- To have breaks and paid holiday time.
- To have any possible risks to his/her Health and Safety assessed and controlled as far as possible by the employer.

An employee also has certain responsibilities and obligations to his/her employer with regards to Health and Safety, these include:

- To advise his/her employer if a change in circumstances affects his/her ability to work e.g. becoming pregnant or suffering an injury.
- To take reasonable care of his/her health and report to his/her employers any medication he/she may need to take that may affect the way in which he/she does his/her job.
- To take reasonable care not to put him or herself or anyone else at risk.
- To co-operate where possible with the employer in taking part in regular training on Health and safety procedures.

Under the Employment Rights Act Section 44, an employee should not be subjected to a detriment by any acts or failure to act by his employer on the grounds that:

- He/she is a health & safety representative or a member of a safety committee
- He/she has been designated by the employer to carry out such activities in connection with or preventing or reducing risks to health and safety at work
- Where it is brought to the employer's attention by reasonable means any circumstances connected with health and safety at work which he/she believes to be harmful or potentially harmful to health and safety
- In circumstances of imminent danger which he/she could not reasonably be expected to

avert, he/she left or proposed to leave or whilst the danger persists, refuses to return to his/her place of work or any dangerous part of his place of work.

Any employee who believes he/she has suffered a detriment contrary to Section 44 may bring a complaint before the Employment Tribunal within 3 months minus one day of the date of the detriment. If the complaint is successful, the Tribunal can make a declaration and award compensation to the Claimant.

It is also unlawful to dismiss someone in circumstances as described above under the Employment Rights Act Section 100. The dismissal would be automatically unfair and a minimum period of service to make a claim would not be needed.

For further information or advice about Health and Safety Law, please read our page about [Health and Safety Regulations](#) [2], call [Dean Parnell](#) [3], Head of Employment Department on 0121 698 2200 or contact us [online](#) [4]

Links

[1] <https://www.sydneyMitchell.co.uk/business-services/employment-law/health-and-safety-law>

[2] <https://www.sydneyMitchell.co.uk/business-services/employment-law/health-and-safety-law/health-and-safety-regulations>

[3] <https://www.sydneyMitchell.co.uk/about-us/our-people/dean-parnell>

[4] <https://www.sydneyMitchell.co.uk/contact>