

HELP NOTES

Insights into Health & Safety



Safe systems of work and safe workplaces are important to everyone involved in the creative industries. Whilst some roles are considered low-risk, others deployed in specific areas – in workshops, on stage, on set, on location – rely on robust health and safety practice to protect workers and to deliver the output successfully. Good health and safety practice shouldn't be seen as an irritant but as a sign of high professional standards.



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Why health & safety matters

Everyone has the right to be safe when they work. The last thing anybody wants to see is your name, or anybody else's, rolling through the credits saying "This film is dedicated to" or to hear a dedication in a curtain speech. The creative sector can be a wonderful area to work in. However it is also full of demanding, stressful workplaces which place substantial pressures on the workforce. Time pressures can tempt operators to cut corners and sometimes that is when accidents happen. So how can you protect yourself and others? Well the golden rule is to ask about safety before starting a task and to follow the safety procedures laid down. And remember no-one wants to work with someone who puts them in danger.

Health & safety legislation

Just like any other industry, the creative sector is subject to health and safety legislation, codes of practice and guidance; these exist to protect you and your fellow workers. This is how the regulatory regime is structured:



The Health and Safety at Work Act 1974 places duties of responsibility on employers, employees, self-employed workers (apart from a few exemptions) and property holders. When an accident occurs any investigation will examine whether the legislation and associated rules and guidance were followed. Non-observance could lead



to a prosecution under the criminal law where workers' lives are put at risk; the civil law applies where injured parties want to pursue compensation. From October 2015, under the Deregulation Act 2015, a self-employed person whose work poses no potential risk to the health and safety of other workers, or members of the public, is exempt from health and safety law.

Who enforces the legislation?

The Health & Safety Executive (HSE) and local authority environmental health departments are responsible for enforcing most workplace health and safety legislation. Most creative industry activity is counted as low risk and therefore comes under local authority environmental health officers (EHOs). For example, in the case of an outdoor festival, an HSE inspector would have authority for the rig and de-rig. (There have been instances around the world where temporary stage structures have collapsed). However, once the festival opens to the public, control reverts to the local authority.

Systems of enforcement

The Health and Safety at Work Act 1974 provides three main sanctions: **Improvement Notice**: the duty holder has a specified time to put things right

and if this does not happen it can move up to a Prohibition Notice.

Prohibition Notice: this requires an immediate halt to an activity where there is an imminent risk of danger. There can be no delay in implementing a Prohibition Notice.

Fines or imprisonment: the courts can impose fines and imprisonment based on cases brought by the HSE and local authorities. In 2016 the average penalty was around £56,000 per case resulting in conviction.

Dos for workers

- Get Public Liability Insurance if you're working in relevant roles on a freelance or self-employed basis; you may need to claim if you're being sued for compensation
- If you employ anyone then you'll need Employer's Liability Insurance.

Employer's duties

To comply with the Health and Safety at Work Act 1974 employers have a duty of care and must ensure, where reasonably practical:

- A safe place of work
- Safe systems of work
- Suitable, safe and well-maintained work equipment
- Adequate welfare arrangements
- Provision of information, instruction, training and supervision.

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Duties of employees

Every employee must:

- Take reasonable care for their own health and safety and for those who may be affected by their acts or omissions at work
- Co-operate with the employer in order to enable the employer to comply with legislation
- Use equipment and substances in accordance with any training or instruction provided
- Report known dangerous situations and equipment to the employer
- Inform the employer if something happens that might affect their ability to work.

Duties of the self-employed

It is the duty of every self-employed person to conduct their undertakings in such a way as to ensure, so far as reasonably practical, that they, and other persons who may be affected, are not exposed to risks to their health and safety. Under the Deregulation Act 2015, a self-employed person whose work poses no potential risk to the health and safety of other workers, or members of the public, is exempt from health and safety law.

Your rights whether staff or freelance

- you have the right to not be put at risk while at work
- you have the right to stop work when there is a risk to your life or serious injury
- the Public Interest Disclosure Act 1998 (PIDA 98) gives workers legal protection if they raise issues of serious concern about their workplace with their employer.

Dos for workers

- Above all ask who you should raise health and safety concerns with
- If you are being engaged as a freelance worker ask whether you are required to provide any Personal Protective Equipment or whether this will be supplied
- If working in a remote location ask what welfare provisions are being provided, as you may want to add to these, for example, you may want to provide extra water.

Why use Risk Assessments

The Management of Health Safety at Work Regulations 1999 state that all employers and self-employed persons must make a suitable and sufficient assessment of risks and if there are five or more employees this assessment must be recorded. A risk assessment is a statement of guidance on how to undertake a task safely. It can be used to show that you discharged your duty of care. It can be a good way to ensure that those you work with work safely around you.

We all assess risks all the time: when it's safe to cross the road, or when making a cup of tea, we just don't necessarily realise that we're doing it. A risk assessment helps workers to share information about hazards and helps workers to avoid them.

The five steps to risk assessment

1. Identify the hazards
2. Decide who might be harmed and how
3. Evaluate the risks and decide on precautions
4. Record your findings and implement them
5. Review your assessment and update as necessary.

Who is responsible for risk assessment?

This depends on the nature of the task being assessed and who has the overall duty of care. Ultimately the person putting the money up for the production/show has an overall duty of care for those working on it. That person, or entity, may employ a production company to run the project having completed a general risk assessment for the whole production/shoot/tour/festival. Any specialist sub-contractors should provide relevant risk assessments for their part in the production such as stunts, lighting, sound or set construction. Responsibility may even be delegated to a head of department to write a risk assessment for a site specific task. It may even come down to you, as things



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change, to do what is known as a dynamic risk assessment (on the spot) where there are changes to the original plan for a particular task. This could be as simple as talking through the task with those involved before making a start. It is important that the information is shared.

Dos for workers

- If you haven't seen a risk assessment for a task you're responsible for, ask to see it or assess it yourself
- Write your own risk assessments for tasks you regularly undertake if you're planning to work freelance or to register as self-employed.

What does a good workplace/ location look like from a health & safety point of view?

A good, safe workplace/location should be organised and planned. If you are working there you should receive any relevant health & safety information before you arrive or start work. It should have:

- Adequate first aid provision
- Adequate welfare provision
- A plan for the day's work, with risk assessments specific to the tasks you are going to do
- A health & safety briefing before the day starts to cover anything that may carry extra risk (a good way to impart this information to a lot of people quickly and to reinforce the paperwork already sent out). NB: Under the Construction & Design Management Regulations 2015 (CDM), if a set is being built or taken down, a safety briefing has to be carried out
- Clear signals for the crew on whom to contact in an emergency (and who the union safety rep is if appointed).

Why health & safety awareness can make you more employable

When you're starting out you may think that other more experienced people will take care of your safety and welfare. This help may be available, but the creative sector does not always work like that. Our advice? Be aware of the risks to your safety on a particular job. More and more young people start work in the creative sector as freelancers or self-employed personnel.



Stefano Cagnoni/BECTU/Royal Opera House

If this applies to you then this means you have a duty of care for those you work with and are in charge of your own health and safety. The presumption is that you are competent: you may not be given any training or instruction and may be expected to provide risk assessments for a safe system of work/ method statement for others to work with. To provide help in this area BECTU, the media and entertainment union, has designed a specific health and safety course which provides a certificate of basic health and safety competence. The Creative Industries Safety Passport (CRISP) www.bectu.org.uk/safety-passport is recognised by the employers and is IOSH approved.

Consider this example: you're starting out as a sound engineer and have a small sound system you can hire out with yourself as the operator. You're looking at small gigs at first, maybe for an amateur society or local group. If you submit with your quote a risk assessment for the gig which covers what help is needed, what power is required and any safety issues which need to be addressed, this will add to your professionalism and provide reassurance to the society that their members will be safe. You'll be more likely to get that job above an engineer who is not so well organised.

Key resources

HSE

www.hse.gov.uk/entertainment
www.hse.gov.uk/riddor
www.hse.gov.uk/work-at-height

BBC My Risks

www.bbc.co.uk/safety

TUC

www.tuc.org.uk/workplace-guidance/health-safety-and-wellbeing
www.tuc.org.uk/workplace-issues/health-and-safety

On Stage Lighting

www.onstagelighting.co.uk/stage-lighting-resources/theatre-health-and-safety

Just FX

www.justfx.co.uk

Public Concern at Work

www.pcaw.co.uk

BECTU

www.bectu.org.uk/health-and-safety
www.bectu.org.uk/craft-cards
www.bectu.org.uk/sfx
www.bectu.org.uk/riggers

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Creative Toolkit is a service for new entrants provided by the industry trade union BECTU, a sector of Prospect.

More Help Notes are available here
www.creativetoolkit.org.uk/help-notes

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