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Health and safety at work: criminal law vs civil law

Both **criminal** law and **civil** law apply to workplace health and safety, however they are not the same.

As an employer, you must protect your workers and others from getting hurt or ill through work.

If you don't:

- ◆ a regulator such as the HSE or local authority may take action against you under **criminal** law.
- ◆ the person affected may make a claim for compensation against you under **civil** law.

Health and safety law - criminal law

Under health and safety law, as an employer, you have a responsibility to protect workers and others from risk to their health and safety. Health and safety law is mostly enforced by the HSE or the local authority depending on the type of workplace.

If you do not comply with a regulation relevant to your work, you'll normally be committing a criminal offence and could:

- ◆ Receive verbal or written advice.
- ◆ Receive an improvement or prohibition notice.
- ◆ Be prosecuted.

If the HSE has to help you put things right, you'll have to pay for their time. This is called a 'fee for intervention'.

Compensation claims - civil law

If you meet your responsibilities under health and safety law, you will considerably reduce the risk of being found negligent under civil law.

Neither the HSE or local authorities have responsibility or enforce civil law or set the rules for the conduct of civil cases.

Under civil law, if someone has been injured or made ill through your negligence as an employer, they may be able to make a compensation claim against you. You can also be found liable if someone who works for you has been negligent and caused harm to someone else.

If a claim is successful, a court may make a judgment against you, and award money (known as damages) to compensate for the pain, losses and suffering caused. This is not the same as a conviction under criminal law.