

## How safe is your store? Are you up-to-date with the law?

Negligence, responsibility and duty of care are issues of increasing visibility in our society and our industry. You only have to Google 'accident' to see the plethora of 'no win no fee' lawyers luring new claimants. New legislation, including the far-reaching 'Fire Safety Order', is enforcing stricter legal requirements for risk assessments, written documentation and continuous review. It is also increasing the burden of your *personal* liability and responsibility - shop owners and managers have a considerable duty of care to the health and safety of their employees and customers who is responsible for the health and safety of staff and customers...surprise surprise...you are!

Meanwhile many retailers continue to focus on their bottom line paying dangerously insufficient attention to the back of house and to the safe and proper maintenance of their stores. We are constantly surprised by the abundance of retailers – large and small – who are completely unaware of the standards they are required to meet. Credit crunch reduced margins will squeeze budgets for non essential and non sales related expenses. Ensure that you keep up with your legal requirements and keep records of this.

On a recent fire risk assessment, we reported a total lack of fire extinguishers within a store. Shortly after the owner had dismissed their importance, a candle display set alight some nearby merchandising. There was an ensuing panic to find a water source – only available from emptying the contents of a nearby vase of flowers. We fitted extinguishers and an effective fire alarm shortly afterwards. Someone should have considered this even without a risk assessment!

Key considerations for a safe store are:

- Carry out a risk assessment. Walk the customer journey through the store and consider what health and safety issues there are. This could be fire, fall, sharp, visibility, means of escape issues etc. Consider staff and customers alike.
- Write down the risks you observe and how those risks can be managed or avoided – keep accurate, written reports which show your efforts. Implement the management of the risk avoidance you have identified. Do your deliveries block the fire escape with boxes etc.
- Make specific people responsible for resolving the identified issues and instigate a method of recording the measures taken. Emergency lighting, escape routes, escape signs etc.

- Implement measures to ensure regular on-going monitoring of health and safety – a one-off review is not sufficient to protect you. Things change quickly in retail.
- Keep informed of current legislation. Do you need expert help? Ignorance is no excuse and is inexcusable.

In case you are in any doubt as to the reasons to fulfil these requirements, they soon stack up: the peace of mind that comes from doing the best you can to protect staff and the public; minimising the likelihood of financial, temporal and reputation costs that can be incurred in an increasingly litigious culture - transgressions of health and safety are rigorously enforced by the HSE in a publicly visible way. None of us want to be in the front page of the newspaper for wrong reasons.

From the staff perspective, knowing that individual safety is paramount is indicative of a fair and responsible employer. Good practice also reduces the millions of working days lost annually to work related injury (allowing untrained staff to use ladders to replace high level lamps for example).

A well-maintained store environment is not only safer, but looks more attractive and professional through attention to detail - in difficult economic times, it's a crucial part of the brand message.

Most problems can be avoided with basic and sensible preventative measures – perhaps partly why the law is getting tougher. This is also why many brands are turning to specialist maintenance companies who can offer real value: keeping up-to-date with all requirements, regularly reviewing the situation and taking onboard the responsibility to plan and undertake the necessary tests and checks over the course of a year.

### **Keep informed of current legislation**

There are a myriad of Acts and legal orders governing your responsibilities. Some crucial facts to be aware of are:

- Managers have a personal legal responsibility for the safety of their staff and customers regardless of whether they are physically present.
- You are required to appoint at least one competent person to carry out preventative and protective measures. This can be a 'competent' internal staff member or an expert 'outside' partner who can undertake an initial review and then if desired implement on-going care.
- The premises and equipment must be covered by a suitable system of maintenance.
- All employees must be given clear and relevant health and safety information. There must be a formal H&S policy in place of which everyone is aware.

- If your business has more than 5 staff you are required to have readily available, up-to-date and accurate official written records at all times - indeed there are increasing numbers of prosecutions over this.
- Your premises can be audited at any time by a fire officer, environmental health officer or the local council. They will check for conformity with the regulations, and will act swiftly if there are omissions.

### **Risk Assessment**

The first step is a fire risk assessment. This gives you a full review of your current fire precautions situation and the basis for on-going action. It is required by law, and must be subsequent to the introduction of and in line with the Fire Safety Order 2005. Consider having an expert 'walk the routes' to identify the hazards and evaluate the risks. You need to establish protective and preventative measures, i.e. test alarms, emergency lighting, escape access, accident procedure.

### **Monitor Regularly**

You need to ensure you have pro-active, regular monitoring systems in place and, if your business is larger than 5 employees, you need written records to show that this is taking place. A well-kept operations and Maintenance' manual is the best solution. Employing a good maintenance company who understand the legal issues and can guide you through the requirements is a good start. They will be able to seamlessly manage the process for you leaving you confident that health & safety is given the necessary attention, whilst leaving your managers to concentrate on the commercial business and those sales targets.

*Some relevant health and safety legislation which needs to be considered by shop owners and operators:*

- *The Regulatory Reform (Fire Safety) Order 2005*
- *Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989*
- *Health and Safety at Work etc Act 1974*
- *Control of Substances Hazardous to Health (Amendment) Regulations 2004*
- *Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations 2003*
- *Manual Handling Operations Regulations 1992*
- *Offices, Shops and Railway Premises Act 1963 etc (Repeals) Regulations 1976*
- *Workplace (Health, Safety and Welfare) Regulations 1992*