

19 March 2020

**COVID 19 and Home Working – what does your organisation need to do to stay on the right side of the criminal law?**

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**Health & Safety Legal Webinar for Posturite**

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The law firm for health, safety, environmental  
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# Speaker

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# Cut-through questions for Board

- What are our H&S criminal law obligations in dealing with Covid 19?
- What do we have to do?
- How can we protect ourselves from blame if we get it wrong?

# Difficult decisions to be made on H&S

- Generic decisions
- Specific questions for you
  - Demographics of workforce and third parties
  - Geography
  - Working practices
  - Social utility/necessity of operations

# Criminal H&S law obligations

- HSWA 1974
- Management of Health and Safety at Work Regulations 1999
- Health and Safety (Display Screen Equipment) Regulations 1992
- Civil contingencies emergency legislation

# What do you have to do?

- Risk assessment
- “Would it have been reasonably practicable to have done more?”
- Should take into account special circumstances of your organization and Covid-19

# How to protect yourself from blame if you get it wrong?

- Prioritise and balance life and death decisions against DSE technicalities
- Balance commercial decisions against H&S benefits
- Be aware you may get it wrong – have foresight of hindsight bias
- Benefit of written risk assessment or record to demonstrate the balancing decision making
- Role of a specialist lawyer and protection of legal privilege

# Questions?

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