

## VISITORS AND THE GENERAL PUBLIC

Section 3 of the Health and Safety at Work Act 1974 imposes a duty on every employer to conduct their business in such a way as to ensure that people not in their employment are not exposed to risks to their health and safety. Section 4 extends this general duty to people having control of premises to which certain visitors are admitted.

An employer or controller of premises who fails to take reasonably practicable steps to protect visitors and other non-employees from harm may be liable to prosecution and/or payment of compensation for any injuries.

An occupier owes a duty of care under common law to lawful visitors. This might mean ensuring that persons are made aware of dangers and taking into account not only risks to adults but to children, disabled/handicapped persons and those with learning difficulties. A higher level of care must be exercised where children are likely to be at risk since they cannot be held responsible for their actions nor understand the degree of risk involved. The occupier also has some common law duties towards unlawful visitors and must take particular care if workplaces are likely to attract children. When assessing risks trespassers should be taken into account. Remedial action should include methods of restricting access or ensuring plant/equipment is left in a safe condition. It might also be necessary to protect trespassers and unforeseen visitors (i.e. emergency services) from injury by observing good housekeeping practices.

Within the Isle of Wight Council, the safety of the public is paramount since the authority should not be seen as putting the public at risk through its operations. There are four main areas to be considered:

1. Duties towards the public in public buildings and public facilities (eg: County Hall, Gardens).
2. Protection of the public from work activities (eg: Building maintenance, road repairs, etc).
3. Direct services provided by the Council (eg: Sports and Leisure, Youth Clubs, Libraries, Schools).
4. Working in peoples homes (eg: Community Care, Housing repairs).

In most operations the emphasis will be upon informing people that a hazard exists and the nature of that hazard. This might mean creating a danger zone around the work area to keep the public at a safe distance, providing safe systems of work for employees and ensuring that they provide adequate protection or simply erecting notice boards and safety signs.

In general visitors should not be left unaccompanied and they should not be taken into hazardous areas. The main element of looking after visitors is to ensure that in the case of fire or other emergencies they can be led to safety. Where visitors are allowed free access to certain parts of buildings they should be provided with basic instruction on what to do in an emergency and asked to sign in on arrival and sign out on departure.

Measures to ensure the safety of visitors and other non-employees should be addressed as part of the workplace risk assessments. See section 2.28.

Questions to address are:

What are the risks?

Are they obvious?

Are they adequately controlled?

What protection is still needed?

How are visitors warned?

Is what I have done sufficient?

Accidents to non-employees should be reported in accordance with the accident reporting procedures (Section 2.02).