

Joint Statement: Scottish Government; Police Scotland; Health and Safety Executive, and Local Authorities.

Safe Workplaces: Advice, Compliance and Building Resilience

In order to save lives and protect the NHS during the current Coronavirus (COVID-19) pandemic it has been necessary for the Scottish Government to take public health measures to restrict the movement of people and reduce physical interaction.

We expect employers and operators of workplaces to act in a responsible manner, respecting both the letter and the spirit of the emergency legislation. We are seeking to make the best possible advice available and make it easy to access.

The Scottish Government has taken legislative powers to address the public health emergency arising from COVID-19. Amongst these, are powers allowing local authorities and Police Scotland to take action where premises that are required to be closed are not, or where those that can remain open are failing to meet requirements for safe physical distancing. Action to suppress transmission of COVID-19 at work can also be required by existing law under the Health and Safety at Work etc Act 1974 (HSW Act).

Working together

In addition to providing guidance and introducing regulations to support our response, we are committed to working with our partners – Police Scotland (COVID-19 powers), the Health and Safety Executive (HSW Act), and local authorities (HSW Act and COVID-19 powers) – to ensure workplaces comply with the regulations.

The Health and Safety Executive (HSE) recognises that the presence of COVID-19 in the community introduces a new risk into the workplace. HSE and local authority environmental health teams can apply their expertise and use powers under the HSW Act to protect people at work. Working together, HSE and local authorities have agreed to allocate enforcement on the same basis as that of existing health and safety legislation. In general, local authorities are the main regulator for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries. HSE is the regulator for other premises including manufacturing, construction, waste and sites subject to major hazards legislation.

Police Scotland will continue to refer the majority of calls from the public regarding business premises to the local authority. It is recognised that Local Authorities are better placed to advise businesses on safe working practices. Police Scotland will continue to work in partnerships and carry out joint visits where that is deemed appropriate or necessary. Police Scotland will continue to take enforcement action where necessary in consultation with partners.

Supporting businesses and workers

It is essential that, in order to prevent transmission of COVID-19, physical distancing continues to be practiced along with other good hygiene practice such as regular and thorough hand washing and good respiratory etiquette. This applies equally to employees, customers and all those on business premises.

It is essential that employers also carry out a COVID-19 risk assessment. These should be developed where possible together with union health and safety representatives. For workplaces, without union representation, union health and safety representatives will be available upon request to support the development of workplace risk assessments and contact details are included at the end of this statement.

It is important that employers understand that they already have statutory duties towards their employees, for example, to put in place measures to keep workers safe. During the pandemic, this includes taking steps to help people work from home where they can do their job in this way, providing handwashing and hygiene procedures in line with guidance, and taking steps to maintain a minimum 2-metre distance between people in the workplace. The Scottish Government and the regulators will ensure that there is effective advice and guidance in place to support employers meet these obligations.

Working together – employers, workers, unions and the regulatory bodies – we can create safe workplaces for all.

Scottish Government
Health and Safety Executive
Local Authorities
Police Scotland

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Contacts and Links

- Enquiries about working safely to protect people from COVID-19 at work can be raised with HSE via:
<https://www.hse.gov.uk/contact/index.htm>
- Information about Scotland's Health and Safety Community can be found via:
<https://webcommunities.hse.gov.uk/connect.ti/scottishactionplan/view?objectId=653445&exp=e1>
- Local Authorities contact details for Environmental Health via:
<https://www.foodstandards.gov.scot/contact-us/local-authorities>
- Further information on Police Scotland's response to COVID-19 via:
<https://www.scotland.police.uk/about-us/covid-19-policescotlandresponse/>
- Public Health Scotland's Healthy Working Lives webpage provides information and resources to help business cope with COVID-19 via:
www.healthyworkinglives.scot
- Health and safety experts and advisors from the business community are available on a voluntary basis to support the development of workplace risk assessments for the small and medium sized business community via: businesssupport@scottishchambers.org.uk

- Trade union health and safety representatives contact details who are available to support the development of workplace risk assessments for non-unionised workplaces:
safety@stuc.org.uk