The UK government introduced a new health and safety Act, the Health and Safety (Offences) Act 2008, which came into effect on 16 January 2009.

The new Act amends the existing Health and Safety at Work etc Act 1974 (HASWA) and substitutes a schedule of maximum sentences that one might face if prosecuted. Serious accidents from un-cleared spillages, trips over boxes and cables, unsafe floors and stairs all may contribute to a failure to ensure a safe place of work and may now attract a prison sentence for an employer if tried in Magistrates or lower Courts instead of the more usual monetary fine that they may have previously expected.

It is a common misconception that all health and safety responsibilities lie with the employer. Under section 2-7 of the HASAW various duties for employers are stipulated. Among other duties:

- Employers have a duty to their employees and others who are affected by their business not to expose them to risks to their health and safety.

This catch-all duty stipulates that employers or those who are in a ‘managerial capacity’ have a duty to protect the safety of employees, members, visitors and other third parties who may use or come into contact with a Golf Club.

It is important to remember that employees also have a large part to play in ensuring a safe place of work and that there are legal duties contained within the Health & Safety etc Act which specifically charges employees with maintaining safety in the workplace. Employees who fail to observe these duties can also find themselves in Court standing alongside their employer in the event of a serious accident.

The defined duties of employees are:

- Take reasonable care of the health and safety at work - of themselves and any other people who may be affected by their act or omissions e.g. do not use equipment that you are not trained to use, ensure that your actions do not place any of your co-workers or others in danger.

- Co-operate with their employer and others to enable them to comply with statutory duties and requirements e.g. where control actions are specified in risk assessments then employees are required to adhere to these.

- Must not intentionally or recklessly misuse anything provided by employers or anyone else in the interest of health, safety and welfare e.g. horseplay with safety equipment, over-ride safety devices and alarms to enable faster working.

Previously, infringement of HASWA would normally only have received financial penalties but now both Lower and High Courts have been granted wider and stronger punitive powers.

Many businesses including golf clubs may see health and safety to be a side issue but everyone has a right to be safe and the new penalties are aimed to enforce this.

Cutting costs on health and safety and training may seem like a good idea in this time of economic recession. However, such savings in the event of an accident to one of your employees or persons using your Club may prove to be far more costly in time, money and reputation than any monetary benefits gained.