

THE RULE OF LAW

UK HEALTH AND SAFETY AT WORK LEGISLATION

Teachers and health and social care professionals and others, **have a duty and a responsibility to keep themselves informed of professional standards relevant to obtaining an individual's informed consent** in their practice. Likewise, the employer or service provider has a responsibility to staff to provide access to legal information which may have a bearing on the service provided - National Consent Policy, Health & Safety Executive ("the HSE")

<https://www.hse.ie/eng/about/who/qid/other-quality-improvement-programmes/consent/national-consent-policy-hse-v1-3-june-2019.pdf>

HEALTH & SAFETY LAW (1)

STATUTORY DUTY TO CONDUCT INDIVIDUAL RISK ASSESSMENTS

The legal duty to conduct a "Suitable and Sufficient" Individual Risk Assessment - reg. 3 of the Health & Safety at Work Management Regulations 1999

You have a **legal statutory duty** under the Health & Safety at Work Act 1974 and the Health & Safety at Work Management Regulations 1999 to conduct a **"suitable and sufficient" Health & Safety at Work Risk Assessment** on the individual living man, woman or child to determine whether there is a risk of harm to their health and safety from the NPIs and the PIs that you are employing in your school and whether the risk of harm outweighs the benefit to them as an individual i.e. an Individual Health & Safety Risk Assessment. Regulation 3 of The Management of Health & Safety at Work Regulations 1999 states:

"Risk assessment

3.—(1) **Every employer shall make a suitable and sufficient assessment of—**

- (a) **the risks to the health and safety of his employees** to which they are exposed whilst they are at work; and
- (b) **the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking**, for the purpose of identifying the measures he needs to take **to comply with the requirements and prohibitions imposed upon him** by or under the relevant statutory provisions..
- (5) In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of—
 - (a) **the inexperience, lack of awareness of risks and immaturity of young persons;**" (emphasis added)

<https://www.legislation.gov.uk/ukSI/1999/3242/regulation/3/made>

Section 4 of the Health & Safety at Work Management Regulations 1999, entitled "**Principles of prevention to be applied**" states that:

- "4. Where an employer implements any preventive and protective measures **he shall do so on the basis of the principles specified in Schedule 1 to these Regulations.**" (emphasis added)

HEALTH & SAFETY LAW (2)

STATUTORY DUTY TO AVOID RISKS, EVALUATE THE RISKS, COMBAT RISKS AT SOURCE, REPLACE THE DANGEROUS BY THE NON-DANGEROUS OR THE LESS DANGEROUS

Schedule 1 of The Management of Health & Safety at Work Regulations 1999_sets out the "General Principles of Prevention" as follows:

"SCHEDULE 1

GENERAL PRINCIPLES OF PREVENTION

(This Schedule specifies the general principles of prevention set out in Article 6(2) of Council Directive 89/391/EEC)(1)

- (a) **avoiding risks;**
- (b) **evaluating the risks** which cannot be avoided;
- (c) **combating the risks at source;**
- (f) **replacing the dangerous by the non-dangerous or the less dangerous"**

<https://www.legislation.gov.uk/uksi/1999/3242/schedule/1/made>

HEALTH & SAFETY LAW (3)

STATUTORY DUTY TO KEEP THE HEALTH OF YOUR EMPLOYEES UNDER SURVEILLANCE

You have a **statutory legal duty to keep the health of your employees under surveillance "as is appropriate having regard to the risks to their health and safety"** which is identified by the Health & Safety at Work **Individual Risk Assessment** conducted under regulation 3 of the Health & Safety at Work Management Regulations 1999, according to regulation 6 which states:

"Health surveillance

6. **Every employer shall ensure** that his employees are provided with such **health surveillance as is appropriate having regard to the risks to their health and safety** which are identified by the assessment." (emphasis added)

<https://www.legislation.gov.uk/uksi/1999/3242/regulation/6/made>

HEALTH & SAFETY LAW (4)

STATUTORY LEGAL DUTY TO OFFER PARTICULAR PROTECTION TO YOUNG PERSONS

You have a **statutory legal duty to offer particular protection to young persons** under regulation 19 of the Health & Safety at Work Management Regulations 1999 which states:

"Protection of young persons

19.—(1)

Every employer shall ensure that young persons employed by him are protected at work from any risks to their health or safety which are a consequence of their **lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.**"

<https://www.legislation.gov.uk/uksi/1999/3242/regulation/19/made>

HEALTH & SAFETY LAW (5)

STATUTORY DUTY TO IMMEDIATELY "CEASE AND DESIST" FROM EMPLOYING HARMFUL MEASURES

Should the Health & Safety at Work individual Risk Assessment conducted in accordance with the Health & Safety at work laws provide evidence that these NPI's and PI's are causing harm and or the risks outweigh the potential benefits, you have **a legal statutory duty** to communicate and take actions to stop the administration of these NPIs and PIs **immediately** - i.e. to **"CEASE AND DESIST"**

HEALTH & SAFETY LAW (6)

LAWFUL,LEGAL, MORALAND STATUTORY DUTY TO OBTAIN INFORMED CONSENT,FREELY GIVEN, FROM THE INDIVIDUAL PRIOR TO THE ADMINISTRATION OF NPIs AND PIs

You have a legal, lawful, moral, ethical and statutory duty to obtain the Informed Consent - freely given - of the individual living man woman or child *prior* to the administration and or policy and or mandate of the NPIs and PIs that you are employing in your school or organisation- including the experimental face masks, tests, hand sanitisers and the so-called COVID-19 vaccines - to living men, women and children.

Failure to obtain Informed Consent - freely given - is a prima facie breach of civil and criminal laws

Administering, mandating or requiring or facilitating, promoting, encouraging a living man woman or child **who is not individually risk assessed and who is not fully informed of the risks and safety hazards of wearing face masks, taking a test, using hand sanitisers or taking experimental so-called COVID-19 vaccines and or who is not provided with the opportunity to provide their fully informed consent freely given **is unlawful, illegal, immoral and unethical and a breach of their inalienable freedoms and their inalienable rights as well as a prima facie criminal breach of the Health & Safety at Work laws and criminal law.****

HEALTH & SAFETY LAW (7)

CRIMINAL LIABILITY FOR BREACH OF HEALTH & SAFETY LAWS

You are **accountable and liable as an employer in any criminal proceedings for a contravention of the Health & Safety provisions** - see under regulation 21 of the Health & Safety at Work Management Regulations 1999 which states:

"Provisions as to liability

21. Nothing in the relevant statutory provisions shall operate so as to afford an employer **a defence in any criminal proceedings** for a contravention of those provisions by reason of any act or default of—

- (a) an employee of his, or
- (b) a person appointed by him under regulation 7."

<https://www.legislation.gov.uk/uksi/1999/3242/regulation/21/made>