

Social Distancing – Message for Welsh Local Authorities

In these extraordinary times, HSE is constantly reviewing the fast-moving situation to support the national effort to tackle COVID-19, including amendments to Public Health Legislation in Wales.

HSE recognises that social distancing is fundamentally a public health issue, for the protection of society and that is embodied in the *Health Protection (Coronavirus Restriction) (Wales) (Amendment) Regulations 2020*, which places specific duties on Relevant Officers (including local authority officers) to ensure social distancing in all workplaces in Wales.

HSE accepts that COVID-19 is also a workplace health issue, with regard to the protection of workers from infection. HSE can and will enforce under the *Health & Safety at Work etc. Act 1974* (HSWA) to ensure social distancing in the work place in relation to workers (not members of the public). The fact that others have powers under Public Health Regulations does not change the formal vires of the Executive.

HSE will investigate any concerns raised about the lack of social distancing between workers, in workplaces that are allocated to HSE under the *Health and Safety (Enforcing Authority) Regulations 1998*. This will prevent multiple regulators dealing with the same premises and ensure that any measures required can be implemented without creating additional health and safety risks to industrial processes with which HSE are already familiar.

Where HSE identifies employers who are not taking action to comply with the relevant Public Health Wales guidance to control COVID-19 health risks to workers, HSE will consider taking a range of actions to improve control of workplace risks. These actions include the provision of specific advice to employers through to issuing enforcement notices. These actions will be taken under existing health and safety law (HSWA).

Local Authority Officers remain best placed to enforce social distancing in premises allocated to Local Authorities under the *Health and Safety (Enforcing Authority) Regulations 1998*.

Where premises are listed in Schedule 1, Part 4 of the *Health Protection (Coronavirus Restriction) (Wales) (Amendment) Regulations 2020* and are also premises which may be allocated to HSE in the *Health and Safety (Enforcing Authority) Regulations 1998*, such as motor vehicle repair establishments, then the local authority should take the lead on those matters, relating to social distancing precautions for the protection of members of the public visiting the premises. Local Authorities should liaise closely with the Health and Safety Executive should worker safety issues arise.

Any concerns received about social distancing by local authorities for premises that HSE is the allocated enforcement body, should be passed to HSE via the normal concerns route <https://www.hse.gov.uk/contact/concerns.htm>

*Dated 8 April 2020
issued by Mrs Siân Clayton, Head of Field Operations, Wales. HSE*