

LegislationWATCH

THE No.1 RESOURCE FOR WORKPLACE LAW AND HEALTH AND SAFETY

Business and the environment

Why sustainability is an important investment in the future of your company.

Inside this issue...

Is office air pollution making you sick?



Preparing for the 'Good Work Plan'



The real cost of poor food hygiene



**SAFETY
MADE
EASY**



Editor

Cheryl Peacock

Designer

Nada Curley

UK General Manager

Sally Clayton

Head Office

14 Wildmere Road
Banbury
OXON
OX16 3JU

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Note FROM THE EDITOR...



Twenty years ago, environmental issues were rarely a priority for businesses, but that is changing rapidly. This edition is packed with useful information to help your organisation make a difference.

Don't forget you can access all the articles and magazines online at seton.co.uk/legislationwatch.

Cheryl

Cheryl Peacock
Editor

Follow Seton on:



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Contact us:

Freephone 0800 585501

Online www.seton.co.uk

Email sales@seton.co.uk

Legal UPDATE



New statutory rates

- The National Living Wage (NLW), the statutory minimum for workers aged 25 and over, will increase by 4.9% to £8.21 per hour from 1 April. Rates for younger workers will also increase above inflation and average earnings
- The maximum compensatory award for unfair dismissal will increase to £86,444 (from £83,682) from 6 April
- The limit on a week's pay used to calculate certain statutory payments and provisions will rise to £525 (from £508) from 6 April
- Statutory sick pay will increase to £94.25 per week (from £92.05) from 6 April
- Statutory maternity, paternity and adoption pay will increase from to £146.68 per week (from £145.18) from 7 April.

1 April

Settled Status for EU Nationals

EU, EEA or Swiss citizens and family will be able to apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021. The scheme will open fully by 30 March 2019.

1 April

Making Tax Digital for VAT

From 1 April, businesses with a turnover above the VAT threshold (£85,000) will have to keep their records digitally and provide their VAT return information to HM Revenue and Customs (HMRC) through MTD compatible software.

4 April

Second gender pay gap report

Private organisations with 250 or more employees will again be required to publish their gender pay gap figures on 4 April 2019 or 30 March 2019 for public sector organisations.

6 April

Income tax threshold increases

The Personal Allowance – amount that can be earned before paying Income Tax, will increase from £11,850 to £12,500. The threshold for the Higher Rate of income tax (40%) will increase from £46,350 to £50,000 per year.

6 April

Increase to auto-enrolment pension contributions

The minimum contributions for auto-enrolment pension schemes will increase for employers and employees. Employers will need to contribute a minimum of 3% (previously 2%) and employees 5% (previously 3%).

6 April

Payslips for all workers

The legal right to a payslip will be extended to include those who are recognised as 'workers' from 6 April. Employers will be obliged to include the total number of hours worked for employees whose wages vary depending on how much time they have worked.

Building a sustainable workplace



Creating a sustainable workplace has many benefits for employers, employees, and the environment – yet many companies still don't make sustainability a top priority. A recent study found that only 10% of UK companies have a strategy in place for cutting carbon emissions. This is bad news for both the environment and company efficiency, as a sustainable workplace is also a healthy and happy one.

CONTINUED... ►►

Benefits of creating a sustainable workplace

The advantages of sustainable workplaces can include:

- Healthier employees
- Better productivity
- Increased market value
- Improved talent recruitment and retention
- Greater consumer confidence
- Increased profit

With Millennials making up an increasingly significant part of the workforce, companies are recruiting from a generation that cares deeply about company ethics and social responsibility. Attracting and keeping the best talent is now as much about what you stand for as the employment package you offer.

Companies with happy, productive, more talented employees will tend to see greater innovation and higher profits. However, increased profits in sustainable workplaces don't just happen as a result of employee satisfaction. Many of the practices you can use to make your workplace more sustainable will actually cut your overheads too.

What steps can make your workplace more sustainable?

There are many steps, big and small, that businesses can take in order to become more environmentally friendly. Here are some of the easiest:

Employee engagement

Engaging your employees has wide-reaching benefits – make it fun, make it simple and start small to create long-lasting habits. Small changes are key to transforming a workplace. You could even create a 'green team' to raise awareness and keep momentum going.

Reduce, reuse, recycle

We're all familiar with the three Rs of sustainable living, but do we always use them in our workplace? Remember that it's not just things like paper that can be reused or recycled, but also electronics, office equipment, ink cartridges, batteries, signage and packaging. Displaying proper signage for each recycling area will encourage people to sort waste correctly.

Replacing disposable products in your kitchen areas with reusable items will pay for itself in a short amount of time. By all means, make reusing and recycling easy for your employees by providing reusable supplies and recycling containers, but ensure the entire business is recycling the big stuff too.

Go paperless

How often do documents really need to be printed in the era of email, workplace software applications and affordable cloud storage? Cutting down on printing saves paper, ink, electricity and physical storage space. It can also make your workplace more productive as centralised electronic systems tend to be far more efficient and easier to access. When you do need to print, using both sides of the paper as a default will instantly cut your paper costs by 50%.

Save energy

Energy efficient lighting, passive heating and cooling systems, and a well-planned office space can reduce your carbon footprint and save money at the same time. You can also improve energy

efficiency by investing in newer, more energy efficient equipment (from office equipment to the company refrigerator) and using laptops and tablets instead of desktops. Enabling sleep mode and power saving modes on computers and other equipment will reduce power consumption when these items are not in use. Others simple ways to conserve energy include monitoring water usage and using recycled paper towels or an eco-friendly hand dryer.

Cut down on transport

With online conferencing facilities, Skype and Facetime, it's easy to build a culture where many external meetings can be virtual meetings. This reduces stress and saves time as well as resources, keeping employees off the roads in heavy daytime traffic. Encouraging a bike/run/walk to work initiative can also support sustainability, and create a healthier workforce. Incentivising communal transport can also encourage camaraderie between employees and improves punctuality and reduces absence as well as benefiting the environment.

Rent and lease

Not everything needs to be bought outright. Renting and leasing big equipment can be a more sustainable practice, especially for rarely used, seasonal or specialist items. More companies renting and leasing means less production and consumption and more efficient use of resources.

Healthy workspace initiatives

One way to be kind to the environment and your employees is to ensure your workplace uses natural and environmentally friendly materials as often as possible. From paints and floor coverings to furnishings, supplies and even cleaning materials, this simple step will improve air quality, reduce allergies and illnesses, and provide a boost to employee well-being.

Production

There is always room for improvement when it comes to production processes. You can start by identifying materials that could be substituted for more environmentally friendly alternatives. Do you know if your equipment is all up to date?

Sustainable supply chain

Sustainability goes beyond what happens within your company. If you really want to commit to this, and not look like a hypocrite when customers delve a little deeper, take a look at your whole supply chain. Work with suppliers to encourage sustainable practices, select new suppliers based on their environmental track record and use sustainable, recycled or recyclable raw materials when possible.

Commitment

As the saying goes, "you can't manage what you don't monitor" so it's important to set specific goals and tracking metrics for your sustainability initiatives to help you see the benefits of your efforts.

Creating a sustainable workplace is about making a commitment and sticking to it. It should be considered an important investment in the future of your company, as well as the planet. As the benefits start to become obvious, it should also become easier to get any resistant managers or stakeholders to back sustainability too.



Seton recommends...



Style No. A5GRN1



Style No. TRAF554



Style No. WAS0023



Style No. WRAP127



Style No. WRAP99



Style No. WRAP109



Style No. WRAP19

IS OFFICE AIR POLLUTION making you sick?

Air pollution is something most of us associate with being outside in busy cities, but indoor air quality is often up to five times worse than outdoor air pollution, and bad practices in some workplaces could push this up to as much as 100 times worse. A recent survey revealed that almost 70% of UK office workers have concerns that indoor air quality in their workplace is having a negative impact on their well-being and productivity, citing symptoms such as fatigue, poor concentration and irritated eyes.

Experts have now identified something called 'sick building syndrome' (SBS) which occurs when spending time in a particular building causes occupants to suffer acute health issues, even though the exact cause cannot be isolated. It's thought that many things may contribute to SBS, including:

- Inadequate ventilation throughout the building
- Chemical contaminants from indoor sources, such as carpeting, furnishings and electronics

- Chemical contaminants from outdoor sources entering the building without proper filtering
- Biological contaminants such as mould, bacteria and viruses

Typical symptoms of sick building syndrome include chronic headaches, nausea and persistent coughing and infections. Even much milder indoor air quality issues may lead to 'brain fog', lapses in concentration and underperformance in mental tasks.

Unsurprisingly, this has an effect on workplace productivity, leading to physical and mental health issues, absenteeism, and low morale and satisfaction among employees. Conducting client meetings in buildings with poor air quality may even have a negative impact on outcomes, with many people feeling the effects of sitting in a 'stuffy' meeting room within an hour.

It is easy to see how air pollution in crowded office blocks and other indoor spaces can deteriorate to unacceptable levels. It's tempting to keep windows closed, especially if your location is in the middle of a busy city or industrial area. You think you're keeping pollution out, but in fact some sources of pollution, such as chemicals in building materials and cleaning products, are inside the building already. In addition, in a sealed building with lots of employees, the carbon dioxide levels will slowly increase with every breath each employee takes.

Air conditioning can help, but only if it includes proper filters to ensure the pollutants in outside

air are not just pulled into the building to join any pollutants already in there. With many UK buildings still to invest in air conditioning, this is something to keep in mind. Modern air filtration technology is capable of filtering close to 2000 cubic metres of air an hour, and while the technology is expensive, so is decreased productivity, employee ill health, absenteeism and low morale. Other ways to improve indoor air quality include:

- Air purifiers
- Auditing indoor spaces for pollutants in carpets, furnishings and equipment
- Choosing natural building materials when possible
- Switching to natural cleaning products and methods

In a work environment where time is money and productivity is key, it is well-worth improving employee health and performance by monitoring and improving indoor air quality in the workplace.

The Polluter Pays

UK WASTE AND RECYCLING OVERHAUL

With the latest statistics showing that the UK is not meeting its recycling targets, the government has launched new proposals aiming to revolutionise how the UK approaches waste and recycling. These are based on the principle that the polluter should be the one to pay for the recycling or disposal of waste.

While there have been improvements to recycling, they are small and likely to mean that the UK will be short of the targets set by the EU for 2020.

- Waste from households increased from 45.2% in 2016 to 45.7% in 2017
- Biodegradable municipal waste sent to landfill was 7.8 million tonnes in 2016 and 7.4 million tonnes in 2017
- Provisional figures for packaging recycling or reuse are at 70.2%, which exceeds the EU's target
- Estimates for commercial and industrial waste are 41.1 million tonnes for 2016 and 37.9 million tonnes for 2017
- Of the 222.9 million tonnes of UK waste generated in 2016, 85% was from England.

Defra consultations

As part of its "Resources and Waste Strategy", Defra has published three consultations laying out its proposals. The new strategies include:

- **Extended producer responsibility:** Packaging producers will be expected to bear the full cost of dealing with their waste, instead of the 10% that they currently pay. Schemes for dealing with harder-to-recycle materials such as cars and batteries will be reviewed

- **Consistency:** Nationwide collections will be made more consistent, and it is also recommended that packaging labels showing what can be recycled become more consistent to avoid confusion
- **Food waste:** Although it is not yet clear how it will be funded, the consultations recommend weekly food waste collections for every home and business in England, with the possibility of also introducing garden waste collections
- **Deposit return scheme:** This would be launched nationwide to encourage the recycling of cans and bottles

- **Tax:** A new plastic tax is planned for April 2022 to cover the production or import of plastics with less than 30% recyclable materials
- **Waste crime:** Electronic tagging of waste will be compulsory, and there will be tougher penalties for rogue waste crime operations
- **Sustainable production:** More efficient product designs are to be encouraged, with Defra promising further investment for innovation in this area.

Reactions

On the whole, the Defra proposals have been cautiously welcomed by waste industry groups. Environmental campaigners have been more measured in their approval, hailing it as a step in the right direction, but stress that more needs to be done.

An objection has been raised by a group of trade bodies coming from across the packaging, drink, food and farming sector. These changes are being proposed

at a time of overwhelming change for businesses as the UK enters the final stages of preparing to withdraw from the EU. With their attention focused on Brexit planning, they feel that they would be unable to fully engage in the new waste and recycling proposals.

However, the government has proceeded with the consultations and intends to include the measures in the Environment Bill scheduled for introduction early in the second session of Parliament.

New WRAP and Recycling Guidelines

The Confederation of Paper Industries (CPI) and Waste and Resources Action Program (WRAP) have launched new guidelines to make the process of recycling paper-based products easier and more efficient. The guidelines are focused on ensuring that designers, manufacturers and retailers follow practices that ensure the vast majority of these products can be readily recycled.

Most paper and card packaging is easy to recycle, but ultimately, recyclability is determined by the composition and design of the packaging, as well as how materials are collected and presented to recycling facilities. Adding even small amounts of plastic to paper-based products can present challenges, with beverage cups and containers, and other plastic laminated food packaging, causing the most issues.

Sometimes it may be necessary to add plastic to paper packaging in order to waterproof the container, and it is still possible to recycle these containers as long as they are clearly labelled and collected and reprocessed separately from other paper and card packaging. The On-Pack Recycling Label scheme (OPRL) will be considering the new WRAP guidelines when it amends its labels later in the year, which should help provide clarity about

whether a package is readily recyclable, and how to process it.

There are several key messages that UK businesses and manufacturers need to pay attention to:

- Plastic content in paper-based packaging should be minimised
- A tear-off facility should be in place for plastic facings when possible
- Metal films, plastic laminates, waxed papers and siliconised papers should be minimised
- There should be a maximum plastic content of 5% (by weight) in paper-based packaging
- A maximum plastic content of 3% (by weight) is preferred by the industry
- Double-sided laminates such as beverage cups and containers should be recycled separately

By adapting the design and manufacturing process, it should be possible to recycle the vast majority of paper and card-based packaging. WRAP Strategic Engagement Manager Helen Bird has said: "These guidelines have been developed as a result of industry coming together to identify and address the challenges. Most brands and retailers want to do the right thing and this guidance will assist them to do that."

You can find the official WRAP guidelines leaflet at www.paper.org.uk



Welding cancer risk

The International Agency for Research on Cancer has found new evidence that exposure to mild steel welding fumes can cause lung cancer in humans as well as some evidence that it may cause kidney cancer. Endorsed by the Workplace Health Expert Committee, mild steel welding fumes have been reclassified as a human carcinogen. As general ventilation will not bring about the necessary control, the HSE is strengthening the enforcement expectation for all welding fumes with immediate effect.

Outcome

In addition to being a cancer risk, welding fume inhalation was already known to be hazardous to the health of welders more prone to lung infections. Exposure to the manganese in mild steel welding fumes can also cause a neurological condition similar to Parkinson's Disease. The new enforcement expectations will also reduce these risks.

Suitable engineering controls will be required for all indoor welding, such as Local Exhaust Ventilation. (LEV). If this proves insufficient to control exposure, appropriate respiratory protective

equipment (RPE) must be provided. This will also need to be provided for outdoor welders and the necessary training needs to be given.

There is no known safe level of exposure, so these measures are required to be in place even when welding occurs for a short duration. When carrying out risk assessments, the new control measures need to be included.

Action to be taken

If welding is an activity in your workplace, the following steps need to be taken:

- Make sure you are using engineering

controls such as LEV to adequately control welding fumes

- Check what controls are needed for different welding activities, including those of short duration and outdoors
- Check engineering controls to ensure proper maintenance and usage
- Thoroughly test and examine engineering controls
- Provide suitable RPE if engineering controls do not adequately control exposure
- Subject the RPE to an RPE programme, demonstrating that all elements are covered to ensure the RPE provides effective protection for the wearer.

Ask **the** expert...

Do you have a question related to Health & Safety or Workplace Law?

Our experts are IOSH accredited and ready to answer your questions.

What statutory inspections are required by law for our plant and equipment?

One of our workers has had an accident, is it reportable under RIDDOR?

What do we need to cover when we deliver H&S training?

How to 'Ask the expert'

1. Go to www.seton.co.uk/legislationwatch
2. Click on the red 'Ask the expert' tab at top of page
3. Enter your question on the form
4. We will respond via email within 48 hours!

PREPARING FOR THE GOVERNMENT'S 'Good Work Plan'

Following the Taylor Review of Modern Working Practices, the government has created a 'Good Work Plan' aimed at improving working conditions across the UK. The new legislation is thought to be the biggest reform of UK employment law for 20 years, and is aimed at both supporting workers and strengthening the UK's business environment.

The Taylor Review was an independent review of modern working practices, commissioned by the Government and carried out by a team of experts led by Matthew Taylor, Chief Executive of the Royal Society of Arts. The review aimed to identify ways that legislation could be implemented to improve current working conditions, with one overriding ambition, as stated within the resulting report:

"All work in the UK economy should be fair and decent with realistic scope for development and fulfilment."

The review looked at important issues such as working practices, reward schemes, job security, terms and conditions, and training and development. The result was the Good Work Plan, published in December 2018, which addresses the issues raised in the Taylor Review. The following five principles have been identified as essential to 'Good Work':

- Overall worker satisfaction
- Good pay
- Participation and progression
- Wellbeing, safety and security
- Voice and autonomy

But what exactly does the new legislation cover, and how will it affect UK workers?

What will the Good Work Plan mean for workers?

The key proposals put forward under the Good Work Plan that will affect the UK workforce are as follows:

- Workers will receive a written statement of their rights, including pay and leave eligibility, on their first day of work.
- Agency workers will be provided with specific information about their employment, including contract details, how they will be paid, and any deductions that the company will take.
- A legal loophole that allowed employers to pay less to agency workers than long-term employees for the same work will be repealed.
- Employment status will be aligned across employment law and tax, allowing a worker who is recognised as self-employed for tax purposes to be recognised as such under employment law.

CONTINUED... ►►





- There will be improvements to employment status tests so that businesses cannot misclassify workers for their own benefit or convenience
- A break of up to four weeks between contracts will no longer break continuity of employment for contracted workers
- Employers will be prevented from making any deductions from staff tips
- The holiday pay reference period will be extended to 52 weeks, allowing workers to claim holiday pay that is a fair reflection of hours worked
- State enforcement on behalf of vulnerable workers will be extended, giving workers more confidence to challenge unfair practices within the workforce
- Penalties already in place for issues such as underpayment of the National Minimum Wage will be extended to issues such as underpayment of holiday pay

- After working in a non-fixed pattern for 26 weeks, workers will have the right to request a more stable contract and a fixed working pattern. Unsurprisingly, there are many who claim that the reforms have not gone far enough. While workers do get new and important rights under the new legislation, there is still nothing to directly address the issue of zero-hours contracts, which has been central to discussions of workers' rights for many years now. In addition, while the reforms are obviously putting laws in place to extend rights to temporary, agency and contract workers, unions have claimed that the reforms have missed the opportunity to meaningfully rebalance power in the UK's "gig economy".

What will the Good Work Plan mean for businesses?

The hope is that the Good Work Plan will essentially benefit the whole of the UK economy, by improving working conditions, worker wellbeing, and productivity. For UK businesses however, the reforms will mean making changes to some current working practices, and employers should prepare for the impact that this will have. The government has already laid draft statutory instruments for many of the proposed reforms and is encouraging businesses to prepare, even though many of the new regulations will not come into force until April 2020.

Some of the most important changes will involve employee contracts, and businesses should be prepared for the

fact that any casual employee who has been working for them for six months may request a more stable contract, and more predictable hours. This will mainly affect businesses that employ casual workers on zero-hours contracts, so those employers should consider what their response will be.

It should be remembered that while zero-hours contracts have been widely criticised, they suit some workers, such as students or those working a second job, so it is unlikely every casual worker will request their contract be changed. However some will, and employers will have three months to make a decision on any request, so it will be advisable to have a strategy in place.

Employers who use agency workers will need to pay close attention to the new legislation, and plan for the fact that after 12 weeks of service, agency workers must be paid the same pay as a permanent worker. It is also vital to plan for the fact that casual workers who have short breaks between contracts (of less than four weeks) will now be able to qualify for employment benefits that rely on "continuity of service" such as maternity benefits.

Other preparations that employers can make include:

- Preparing a customisable statement of basic terms that can be given to all employees when they start work

- Preparing a "Key Facts Page" to be given to agency workers, setting out their contract details
- Putting in place a process for employment status tests, to clarify the employment status of each employee
- Adopting a process for consultation arrangements as employees will have the right to be more involved in some workplace discussions

As with any major change, businesses that study the legislation carefully and put in place new processes and strategies to enable the company to adapt, will be able to minimise any negative impact and take advantage of the positives that more clarity and employee satisfaction can bring.

EN388 glove standards are changing



As part of the PPE regulation update, the EN388 is changing. This legislation determines how a glove performs against mechanical hazards and the amendments are being made to make the tests more relevant for gloves made of highly resistant materials and for situations where there is a high risk of injury.

While tests to tear and puncture damage remain unchanged from the EN388:2016 glove regulations, the standards applied to cut and abrasion have been improved. The new regulations also include an optional test for impact on gloves which claim to protect against this.

Cut protection

The biggest changes are seen in cut protection. Previously this standard has been determined by the Coupe Test EN388 6.2 where a Circular Blade Cut Resistant Tester is used to measure the resistance. During the Coupe Test a circular blade is run backwards and forwards over the

glove, stopping when the material is cut.

In the new test, the number of cycles stops at 60, regardless of whether the material has been cut. This is to mitigate the blunting of the blade which highly resistant materials frequently cause. If the blade is proven to have been blunted, an additional test is now required.

The new cut resistant test, known as TDM EN ISO 13997, uses a sharp-edged blade which is drawn across the surface of the glove, with a fresh blade used for each cut. The test measures the average load required to cut through the fabric.

The new mark of the EN388:2016 glove regulations will show a level of 1–5 for the Coupe test and a rating of A–F for the TDM test, with a level F demonstrating a higher measurement of protection than previously included in the EN388-2003.

Abrasion

There have been some changes to the abrasion test. The test will continue to use a sample from the palm of the glove, which is rubbed against glass paper until it causes a hole to appear. However, a new paper will be used, which could mean the classification of some gloves will change.

The number of abrasion rubs before breakthrough occurs on the glove sample is used to give a number from one to four, with four being the highest classification.

Impact

While impact testing has not previously been part of the EN388 classification, it will now feature as an optional test and can be used to demonstrate specific impact resistant properties. In this test, the area of impact resistance is secured over a domed anvil and is subjected to an energy impact of 5J.

Products that fulfil the requirements of this test will be marked with a letter P to show that they offer impact resistance.

Understanding the new marking

The marking for gloves meeting the EN388 requirements will include a pictogram with a series of numbers showing the standard achieved in the abrasion, Coupe, tear and puncture tests followed by letters for the TDM and impact test with an X used if necessary to demonstrate the test was not applicable. Gloves certified under the former EN388 test will remain valid until expiry date or 21 April 2023.

Seton recommends...



Style No. 301LMA109

The real cost of poor food hygiene



The importance of good food hygiene cannot be overestimated. Failure to maintain good food hygiene may have serious and even life-threatening consequences for your customers as well as having a detrimental effect on the reputation of your business. Statistics from the World Health Organisation state that almost one in ten people fall ill

because of contaminated food each year, with 420,000 people dying as a result of this. Of these, 125,000 are children.

Regulations

With food procured and produced all over the world, food hygiene testing is a growing industry. While food regulation is still developing in many parts of the world, the Food Standards Agency (FSA) is

an independent government department in the UK that works to ensure that food is safe and sets out the expectations of business. These include:

- Correct labelling and marketing, with food being what it says it is
- Traceability of food
- Withdrawing unsafe food, reporting it, and making the information available to the public

- Regulations on the use of additives
 - Food contact materials such as packaging and utensils
 - Keeping food safe from bacteria
- The FSA also specifies the training required to ensure that all who work in the food manufacturing, retail and hospitality industries understand how to handle food safely so that there is no contamination that could cause food poisoning or allergic reactions. There are two levels in the training, with certification demonstrating the depth of the understanding covered.

Consequences of not meeting the standards

At best, food poisoning is an unpleasant illness. At worst, it can be deadly. For businesses, there can be serious consequences, with legal action taken against those who fail to meet the standards.

In a recent case, a Huntingdon takeaway owner was found to have low standards over two inspections. Issues were found with his management system, temperature control, lack of cleaning (including evidence of rodents), stock control and cross-contamination control, as well as some necessary structural work that was not carried out. As a result, the owner faced costs of £4,450 and is prohibited from participating in the management of a food business (Huntingdonshire.gov.uk).

Council budget cuts have meant that many authorities are not as rigorous as they should be when carrying out inspections, meaning that poor food safety standards may not necessarily be dealt with officially. However, even without inspections and prosecution, any obvious signs of poor food hygiene can have a detrimental effect on your business. It is now easier than ever for customers to leave reviews on dedicated review sites such as TripAdvisor, Google and social media. While only 33% of customers are likely to review a positive experience, 56% will review a negative one, meaning that any signs of poor hygiene will be recorded for potential

customers to view. Too many of these and a business's ratings can plummet.

Tracking food

In order to correctly label food, it is important that it can be tracked. This ensures the food that a business sells is what it claims it is and also is not misleading customers, for example labelling food as organic when it is not.

It is vital for businesses to know where their food has come from and not fall victim to food fraud. Foods that are not legally supplied could include those that are:

- Past their use-by or best before date
- Recycled animal by-products
- Meat from illegally slaughtered animals
- Food that has been smuggled into the country

Allergy management

It is particularly vital for food to be correctly labelled in order to identify allergens. Food allergies are becoming increasingly common, and it is a requirement for businesses to identify potential allergens in their foods. There are 14 major allergens that must be communicated to customers. These are egg, peanut, fish, walnut, trans fats, mollusc, crustacean, citrus, gluten, sesame, mushroom, celery, soya and corn. It is also necessary to label if a product has any genetically modified ingredients.

Two tragic cases of customers dying from an anaphylactic reaction after eating at the well-known chain Pret A Manger highlight the importance of correct labelling and information. This is not just to alert customers, but also staff, who may take part in food preparation. Good ways to allergy-proof a business include:

- Regular, updated training
- Colour coding system for allergens
- Trusted suppliers
- Readily available allergy information

It is also important to avoid cross-contamination, as even tiny amounts of allergens can be fatal.

Regulations around food hygiene and allergy management do change regularly and can vary across different local authorities. Keeping up to date with these is essential for food-based businesses to maintain their reputation.

Seton recommends...



Style No. SIT0033



Style No. 10URA003



Style No. MM064AESAV



Style No. GCBC1



Style No. FD243



Style No. PPE025510



Q&As



Q. What sort of injuries at school need to be reported to RIDDOR?

A. RIDDOR reporting for schools in particular requires a bit more thought. Whilst the rules apply just the same under RIDDOR, it is important to clarify if the incident arose 'out of, or in connection with work'. For example, if the injury occurred due to a school activity or a condition at the school which they had some control over. If two children were playing, for example, and collided with each other suffering a defined trigger injury such as a fractured skull or knocking themselves out, this would not be RIDDOR reportable. However, for serious injuries there is no penalty for over reporting if they are unsure; there is only a penalty for under reporting. All state school incidents

are reported to the County Educational Department as a matter of course, the County will then decide for the school if the criteria are met, as to whether to report under RIDDOR or not. A RIDDOR difference to consider is: If staff go to hospital and require a stay in hospital of 24 hours or more, this is listed as 'Specified injuries to workers' and is RIDDOR reportable, as they are employees. If children are injured they are considered as 'non-workers'. Work-related accidents involving members of the public or people who are not at work must be reported if a person is injured and is taken from the scene of the accident to hospital

for treatment to that injury. There is no requirement to establish what hospital treatment was actually provided, and no need to report incidents where people are taken to hospital purely as a precaution when no injury is apparent, for example a precautionary check-up. The basic rules for further guidance can be obtained from the HSE website www.hse.gov.uk where they provide a guidance document 'indg453' for further information. The HSE also provide specific guidance for schools relating to RIDDOR, in the form of HSE information sheet 'Education Information Sheet No1 (Revision 3)'.

Q&As

Q. Do we legally have to have fire wardens and if so, how many are required?

A. Everyone could be a fire warden but realistically this is big burden on the business, so having a sensible amount necessary to achieve fire safety is the correct amount. In a small office, one person taking day to day responsibility is likely to be good enough. In a large building, one per floor or for each building may be enough, and perhaps extra people to cover for holidays and absence. The number is based on reasonable cover and the needs of the people using the building. The Regulatory Reform Fire Safety Order 2005 requires the responsible person to organise and implement reasonable fire safety arrangements and appoint certain duties holders to assist in doing this. Fire wardens are one part of effectively implementing this, to actively seek out issues on a daily basis and ensure the fire evacuation plan happens and works effectively in an emergency. Fire wardens need to be trained to a competent level to have sufficient skills to do this properly and keep themselves safe carrying out their tasks. Retraining should be every year but every 2 years may be acceptable in low risk premises.



Q. What are the health and safety regulations with regards to Working Space?

A. The Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 10, covers working space. In most workplaces 11 cubic metres (11m³) of space per person should be taken as a minimum. Exceptions are retail sales kiosks, attendants' shelters, machine control cabs or similar small structures where space is necessarily limited and rooms being used for lectures, meetings and similar purposes. There is an Approved Code of Practice L24 that gives more details. Sometimes a bit of discretion needs to be used here as it is not always possible to get the full 11m³, health and safety laws are all about being reasonably practicable.

News ROUND UP

April 2019



Emotionally illiterate managers threaten wellbeing

One of the UK's senior psychologists, Sir Cary Cooper, has warned that managers without the skills to spot mental health issues in their staff should not be given top positions in companies. "Ensuring managers are as competent in their people skills as they are technically, is the single most powerful thing a business leader can do to increase wellbeing and productivity."



Two fatalities after pigeon dropping infection at hospital

Two patients have died after contracting a fungal infection caused by pigeon droppings at the Queen Elizabeth University Hospital. The infection was caused by *Cryptococcus*, a microscopic fungi that lives in the environment but rarely causes infection in humans. A non-public room which is believed to contain machinery, has been identified as a likely cause.



£2.7 million fine after boy electrocuted

A 13 year-old boy is suffering from life-changing injuries after climbing on top of a stationary wagon at Tyne Yard in Gateshead. The boy made contact with a 25,000 volt overhead line resulting in major injuries caused by electric shock. Rail freight company, DB Cargo (UK) Ltd has been fined £2.7 million, with £188,873.89 costs.

Birmingham most dangerous city for work accidents

According to research by Moorepay, workers in the city of Birmingham suffer twice as many fatal work accidents compared to the rest of the country. Chances of suffering a fatal accident in the city were 0.84 per 100,000 workers, compared to a national average of just 0.4 per 100,000 workers.



1 in 5 NHS workers experience harassment

The 2018 Staff Survey of NHS Trusts and Foundation Trusts has found that 1 in 5 NHS staff have experienced bullying, harassment or abuse at work from other colleagues. Unison's head of health, Sara Gorton said: "The combination of rising stress levels along with bullying and bad behaviour from managers and colleagues shows the pressure is really getting to staff."



115 retail workers attacked every day

The annual retail crime survey carried out by the British Retail Consortium revealed that 115 retail employees are attacked at work every day. The use of knives has also become a "significant concern". Worryingly, the survey also showed that 1 in 6 staff don't report the violence because they don't think it will make a difference.



14 month jail term for builder

A contractor from the West Midlands has been sentenced to 14 months in prison after exposing workers to asbestos dust and the risk of falling from height while working on a factory roof. Employees alerted the HSE when they realised dust from the sheeting, which they knew contained asbestos, was entering the building.

Updated inflatable guidance

The HSE updated its guidance online for anyone buying or hiring inflatable play equipment. The refreshed guidance says that no inflatable should be used outside in winds above 24 mph, and that wind speed should be measured at regular intervals using an anemometer. All inflatables should have written documentation to show compliance with BS EN 14960 and either a numbered PIPA tag or an ADiPs declaration of compliance (DoC).



Back pain at work

Research from the British Chiropractic Association found that a third of Brits have taken at least one day off work in the past 12 months due to back pain. The study also showed that 40% of workers who spend a lot of time sitting down don't feel as though they can take regular breaks and less than 23% had been offered advice on how to improve discomfort at work by their employer.



Theme park fined for 'catastrophic failure'

M & D (Leisure) Ltd has been fined £65,000 after their Tsunami roller coaster derailed and crashed to the ground, injuring nine young passengers. The HSE's investigation found the roller coaster was not maintained in an efficient state, in efficient working order nor was it in good repair, and weld repairs carried out on the axles were inadequate and unsound.



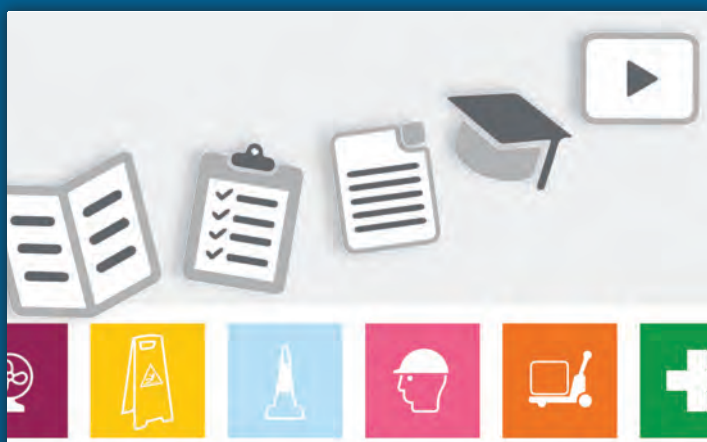
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