

LegislationWATCH

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

Know your flood risk

We are experiencing more and more extreme weather and more than 300,000 commercial properties in the UK are at risk of flooding. See page 6



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New Year resolution**



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hidden disabilities**



**SAFETY
MADE
EASY**



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Note FROM THE EDITOR...



Welcome to your first Legislation Watch magazine of 2020! Inside you'll find the latest legal updates and articles to help you plan for a safe and compliant year.

Don't forget to send your health and safety questions over to our 'Ask the Expert' team – simply follow the link on the website at seton.co.uk/legislationwatch. You can find all previous magazines and articles here too.

Wishing you all a happy and safe new year!

Cheryl

Cheryl Peacock - Editor

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Legal UPDATE

April 2020



Parental bereavement leave and pay

The Parental Bereavement Leave and Pay Act will give all employed parents a day-one right to two weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. Employed parents will also be able to claim pay for this period, subject to meeting eligibility criteria.

Changes to contracts

The law around employee contracts will change to become a day one right for all workers. Contracts will also need to contain additional details for the first time, including:

- the hours and days of the week the worker/employee is required to work, whether they may be varied and how
- entitlements to any paid leave
- any other benefits not covered elsewhere in the written statement
- details of any probationary period
- details of training provided by the employer.

Extension of holiday pay reference period

The holiday pay reference period, which is used to calculate the average pay of those who work irregular hours, will be extended from 12 to 52 weeks on April 6, 2020. Employers will need to keep track of employees' working time throughout the year, including overtime to ensure they get the right leave.

End of Swedish derogation contracts

The Agency Workers (Amendment) Regulations 2019 become effective. Employers will no longer be able to make use of Swedish derogation contracts from April 6, 2020. These contracts, which allow employers to avoid paying agency workers equal pay after 12 weeks, will become illegal.

Tax on Termination Payments

The government's plans to make any part of a termination payment over the sum of £30,000 subject to employer NICs is due to become law on this date.

IR35 Tax Rules

The IR35 tax rules will be extended to the private sector from April 2020. The rules are aimed at reducing tax avoidance for off-payroll contractors working through personal service companies (PSC). The new rules will apply to private sector businesses with an annual turnover of over £10.2 million or 50 or more employees.

Changes to statutory rates

The minimum rates on offer for statutory entitlements such as maternity pay, paternity pay and sick pay will be reviewed for April 2020. We will publish the details when they are released.

The National Living Wage for ages 25 and above - up 6.2% to £8.72

The National Minimum Wage for 21 to 24-year-olds - up 6.5% to £8.20

For 18 to 20-year-olds - up 4.9% to £6.45

For under-18s - up 4.6% to £4.55

For apprentices - up 6.4% to £4.15

Make **SAFETY** your New Year resolution

As we start a fresh year, you may be making New Year resolutions in various areas of your business. Maybe you want to provide better customer service or make more profit. But really, what better area is there for a business to make New Year resolutions in than health and safety? No-one wants an employee or customer to be hurt or injured on their premises. What's more, the Health & Safety Executive reports that the annual cost of workplace self-reported injuries and ill health is around £15bn, so it's definitely worth improving your health and safety procedures as part of your New Year plan. Here are just a few steps to consider.

Reassess accident, injury and illness rates for the previous year

How are you doing? Could you improve? Were there workplace injuries and illnesses that occurred this year that could have been prevented? Do you need to train staff better, run awareness campaigns, or invest in new health and safety equipment for your workplace for the coming year?

Review your risk assessments

It is recommended that risk assessments and policies are reviewed annually as a minimum. Risk assessments are not a 'once and done' activity. The start of a new year is a great time to update risk assessments, and see if there is anything more that you could be doing, in any area. This is particularly important if there have been any significant changes to a particular department or procedure, and also if your workforce has grown.

Review health and safety policies

Written health and safety policies are a requirement in any business with five or more employees. Organisations with less than 5 employees should also document

risk assessments otherwise it would be difficult for a business to prove it has managed the safety of employees and others. You probably have one, but you may not have reviewed it in a long time. You might want to check that it still makes sense for your business, especially if you saw a lot of changes last year.

Stay up to date with legislation changes

You should, of course, stay up to date with any legislation changes that affect you as they happen, but the New Year is a good time to review new legislation that

has come in and any that are expected in the near future. Double-check that you've made any necessary changes to respond to recent legislation, and that you're prepared for any due to come in soon.

You can sign up for free updates from HSE at <https://www.hse.gov.uk/legislation>

Provide training for managers and staff

Employee training is at the heart of a robust and successful health and safety programme. It's no good having great policies and state-of-the-art health and safety equipment if no-one is familiar

with them and trained in their use. Review training records and see if there are staff who still need basic training, or could undergo more training to make your workplace safer.

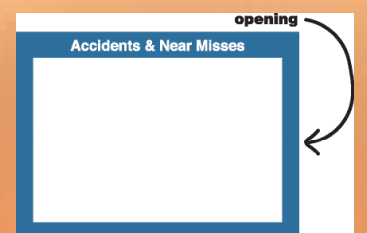
Get employees on board

Health and safety procedures are there to benefit your staff, so get them on board by ensuring that their workplace is safe and healthy. Make sure that health and safety training stresses the benefits to employees, and encourage them to not only incorporate best practices into their daily activities but also be proactive about bringing forward any potential issues or possible improvements.

Health and safety New Year resolutions don't have to be complicated. Take some time to make a few that you know you can stick to.



Seton recommends...



Style No. UPDATESIGN81



Style No. 86060011001

Know your flood risk

Over 300,000 commercial properties across the UK are estimated to be at risk of flooding. What's more, we are experiencing more and more extreme weather, and it's likely that this number will increase over the coming years, with many businesses experiencing the devastation that flooding can cause for the first time ever.

The UK Climate Change Risk Assessment states that the annual bill for flood damage across the country is around £1.3bn. It's not all doom and gloom, however. It is possible to put a flood plan in place to protect your business premises. Many businesses can negate the majority of the cost of flooding by having a plan in place to move or protect stock and equipment.

Government guidance and legislation

The Department for Environment, Food & Rural Affairs (Defra) has extensive guidelines in place regarding flood risk management and surface water management. It is the responsibility of the government to help businesses and individuals prevent and manage flooding, but as a business owner, you should be aware of the role you can play in protecting your business against flooding, and how to safely deal with any flooding that does occur, as well as the

inevitable clean-up process. Flood water can be very dangerous, and your top priority is to make sure that your employees remain safe if there is a threat of flooding, during an actual flood, and throughout the clean-up process. Flood Guidance UK has lots of information on how to proceed if your premises have been flooded.

Types of flooding

Knowing which type of flooding your business may be exposed to can help with preparation and prevention.

- Surface water flooding is usually the result of heavy rainfall that local drainage capacity cannot cope with.
- Coastal and river flooding is simply what it sounds like – it happens when severe weather hits coastal regions or areas close to a river or surrounded by several rivers.
- Groundwater flooding generally occurs in low-lying areas with springs and seasonal streams that swell with

extreme levels of rain. This can cause long-term flooding over a relatively large area.

- Sewer flooding is when sewage escapes from its pipes, usually through a drain or manhole. It is, understandably, highly unpleasant and potentially hazardous to public health.

Is your business at risk of flooding?

Any business could potentially be affected by a flood, but some are, of course, in naturally high-risk areas. In England, you can check for current flood warnings, see risks of flooding predicted in the next five days, and ascertain the long-term risk of flooding in your area at the government website. You'll also be able to sign up there for alerts of local flood warnings, and request the flooding history of a property you occupy, or any property you're thinking of occupying. There are similar services available in Wales, Scotland and Northern Ireland.

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Creating a flood plan

Having a flood plan in place can help you prepare for a flood, keep your staff safe, and reduce potential flood damage. A well-thought-out plan means that you know what steps to take in the (sometimes highly unpredictable) event of a flood that impacts your business premises. This may involve storing valuable stock and business items as high as possible (above the waterline expected in mild to moderate flooding), having an evacuation plan for staff if a flash flood occurs, and preventing flood water from entering your premises by installing permanent or removable barriers.

You may also want to raise electrical sockets and wiring where viable, install equipment and machinery that could suffer water damage on plinths, and use flood-proof materials for floors and lower walls. Items that you might need in the event of a minor flood include a Hydrosack, sucker pump or flood screen roll. Don't forget to put a flood evacuation plan in place and ensure that staff are briefed on it. Appropriate warning signs may also be a worthwhile investment.

Where do I buy flood defence products?

Here at Seton, we have a range of flood defence products that you can use to prevent and minimise flood damage to your premises, and to aid clean-up if you do suffer water damage as the result of a flood. When you have carried out a flood risk assessment and put a flood plan in place, you will have a fairly clear idea of what sort of equipment you need. However, these are a few of our top flood defence products:

- Flood Avert – Boom Bag Tube – Create instant flood barriers with this versatile and lightweight alternative to traditional sand bags. They are affordable, portable, and can soak up 20 litres of water in just three minutes. One kit is equivalent to nine sand bags.
- Hydrosack Flood Prevention – The unique design absorbs water but does not release it, even when punctured. Before use, this product weighs just one kilo, and it comes with carrying handles, so it is easy to position quickly in the event of sudden, unpredicted flooding.
- JS-150 Heavy Duty Drainage Pump – This free-standing, heavy-duty, vortex impeller pump can deal with viscous liquids, raw sewage, mud and wood chips. It comes with an optional float switch and a 10-metre power cable.



Avoiding the devastating and expensive consequences of a major flood is often possible with the right alerts set up, a good flood plan in place, and the appropriate flood defence products and strategies. If you'd like to chat to our expert team about the products you need to protect your business premises in the event of flooding, please do get in touch.

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.



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!

12 warehouse hazards and how to prevent them

If your business premises include warehouse facilities, you'll already be aware of the issues involved in keeping warehouse staff safe. Warehouse safety is complex due to the many different activities performed in warehouse settings, from lifting and handling heavy goods to managing moving vehicles such as forklifts. The British Safety Council estimates that around 1,300 UK workers a year are hospitalised as the result of forklift accidents alone, with pedestrians accounting for 57% of those injured or killed in such accidents.

Other less serious injuries are also common, and even the most minor of warehouse accidents can result in damaged stock and lost productivity, even if no-one is hurt. The popularity of online shopping has increased significantly in recent years, putting extra demands on many warehouse staff, and meaning that it is often necessary to hire less experienced seasonal staff, making warehouse safety ever more important.

Why a health and safety strategy is important for warehouses

As mentioned above, warehouse safety is complex, so employers' responsibilities regarding warehouse staff can vary from one warehouse to another. The Health and Safety Executive (HSE) provides an example risk assessment for warehouse owners and managers, as it is vital to identify all the relevant hazards that your particular premises might have.

There are various pieces of legislation that govern warehouse safety, and the HSE has tried to simplify things for UK businesses by providing a comprehensive guide – Warehousing and Storage: A guide to health and safety HSG76 – which covers many topics, such as lifting and handling, working at height, site transport, and other avoidable risks and hazards associated with warehouse safety.

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Warehouse hazards to consider

Warehouse hazards that need to be managed include but are not limited to the following:

1 Moving vehicles

Ensure that all workers who operate moving vehicles are properly trained, maintain appropriate speed limits, and follow best practices when it comes to vehicle safety. It is also vital to service and maintain vehicles correctly, and maximise visibility for drivers with the correct mirror set up, especially when manoeuvring and reversing.

2 Slips, trips and falls

Slips and trips are one of the most common injuries at work, and in warehouses where workers are often working at height, falls are obviously a significant hazard. You may need to use anti-slip paint, tape or floor covering. All floors should be level, and it can help to use heavy-duty cord covers if it is necessary to run cables across floors.

3 Lifting and handling

Lifting and handling heavy goods can easily cause injury if not done correctly. Staff should be trained in manual handling safety and, of course, trained in the safe use and maintenance of lifting equipment. Minimising or eliminating manual handling can decrease the risk of injury significantly.

4 Fire safety

Fire safety is a vital part of any workplace health and safety policy, but is particularly vital in warehouses where fires can spread quickly, due to the amount of open space and potential 'kindling' in the form of various goods and packaging stored there. Carry out regular fire drills, and ensure that fire escape routes and fire doors are clearly marked with relevant signs.

5 Pallets and racking

Staff need to be trained in the safe loading and unloading of pallets; safe stacking heights and weights; and the importance of not climbing, leaning or walking on pallets. Impact protection products such as pallet racking protectors can be very beneficial in ensuring safety in this area.

6 Pedestrian safety

As already mentioned, the majority of injuries and fatalities in forklift accidents are pedestrians. Ensure that workers are made aware when they are working in areas with moving vehicles and that they follow basic safety practices such as checking for moving vehicles before leaving or crossing aisles where they are in operation.

7 Working at height

Falls from height are the third highest cause of fatal injury, accounting for 20% of fatal accidents, as well as around 80 major injuries a year. Staff need proper training in how to safely work at height, including ladder safety, as unstable or incorrectly used ladders can be highly dangerous. Workers should always use high-quality ladders, steps and platforms, with appropriate safety features.

8 Falling objects

Warehouse staff are at particular risk of falling objects, so this is another area that requires particular attention. The right training is essential to ensure that staff know exactly how to secure and properly move objects stored at height, and adhere to safe stacking heights. It is also often necessary to provide warning signs in key areas, and hard hats or other protective head gear, for key workers.

9 Housekeeping

Good housekeeping is a vital part of warehouse safety. Ensure that staff know to keep aisles free of obstructions, quickly dispose of packaging and other materials that could cause a safety hazard, and keep all fire escape routes clear at all times.

10 Personal protective equipment (PPE)

Personal protective equipment is needed in most warehouse settings, and exactly what you need will depend on your risk assessment. Depending on the hazards that your warehouse staff face, they may need hard hats, safety shoes, high visibility jackets, eye protection or hearing protection.

11 Training

Warehouse staff should be well-trained in every aspect of warehouse safety that they need to be in order to carry out their job safely. The type and level of training given will depend on their duties and responsibilities. While only a few specialist workers may need forklift training, every worker on the site needs to know about fire safety and fire escape routes, for example.

12 Reporting hazards

Another aspect of safety that all staff need to be trained in is reporting hazards. Develop a set procedure for this and ensure that all workers know what it is. This means that any temporary hazards, or new hazards that arise, can be quickly dealt with by the appropriate manager or staff member.

Ultimately, warehouse safety rests on a combination of good policies, proper training and appropriate safety equipment. Make sure that your warehouse facilities incorporate all three to minimise the chance of accidents and injuries.

ASBESTOS: Britain's toxic schools

Growing concerns over asbestos in UK schools led to the government launching an asbestos management assurance process last year to investigate the problem. Unfortunately, the process has hardly led to a feeling of assurance around the issue. In fact, out of almost 3,000 schools that were surveyed (and responded), well over 2,500 reported that asbestos was present in their school at some level. In addition, almost 700 schools were referred to the Health and Safety Executive (HSE) for not providing any evidence that they were appropriately managing asbestos within their school buildings.

The HSE continues to investigate the problem, and has issued advice on how to manage asbestos in schools, and the duty of care that falls on schools under the Control of Asbestos Regulations 2012. Many parents and students, however, are justifiably concerned about the levels of asbestos that could be present in their school buildings.

According to HSE estimates, around 5,000 deaths in the UK each year can be attributed to cancers caused by asbestos exposure. Deaths are due to mesothelioma, a type of cancer caused almost exclusively by inhaling asbestos fibres, and other asbestos-related lung cancers. The National Education Union (NEU) claims that over 200 teachers have died from mesothelioma since 2001, with actual figures probably much higher, given that records only include those who have died before the age of 75. A 2018 study suggests that there are around five times more deaths from mesothelioma among teachers than in other populations not exposed to asbestos dangers.

What is even more worrying is that children appear to be more vulnerable to the effects of asbestos than adults. Relatively few numbers of children and young adults are diagnosed with mesothelioma, but this is due to the fact that the disease typically develops at least 20 years after exposure occurs. Research indicates, however, that children exposed to asbestos are actually five times more likely to contract the disease later in life than adults exposed to the same levels.

The problem is further complicated by the very nature of asbestos. It is a

substance that degrades over time, becoming more dangerous as it does so. It was banned in the UK in 1999, meaning that where it is present in existing buildings, it is at least 20 years old. Given that 60% of UK schools are housed in buildings over 40 years old, it is likely that asbestos in most schools is even older. This means that it could be deteriorating and posing more of a danger in many schools.

However, removing asbestos is problematic. While this seems like the obvious solution, disturbing and removing asbestos can increase risks of airborne particles, so a thorough risk assessment is necessary, and in some cases it may be better to apply engineering controls, such as enclosing and 'sealing off' asbestos, so that particles cannot enter the air at all.

Putting a unified asbestos management plan in place for UK schools is made even more challenging by the fact that over 60% of schools are outside the direct control of local education authorities, including academies and free schools. It is also expensive, though many would argue, not prohibitively so.

In a 2018 BBC interview, a representative of the NEU is quoted as saying: "They're paying £7bn to renovate the House of Commons, another £150m to renovate the Royal Palaces. It would take £13bn to get schools up to a satisfactory standard without removing asbestos."

He goes on to suggest that it would cost more to "do it properly", but either way, it is clear that funding for this issue is needed to protect children and education staff across the country.

How effective are your safety signs?

Most business owners know the importance of using relevant safety signs to alert workers and customers to workplace hazards, but how effective are your safety signs? Are you using them in the best way possible?

Why are signs important?

The right safety signs can alert employees and visitors to your premises about any potential hazard, from a wet floor to a high voltage area, preventing accidents, injuries, and the accompanying compensation claims!

Safety sign legislation

The Health and Safety Executive (HSE) provides guidance on legislation regarding safety signs in the UK. The HSE has created resources to help all businesses comply with the relevant legislation, covered by the Health and Safety (Safety Signs and Signals) Regulations 1996.

Where should safety signs be used?

The location of your safety signs will impact their effectiveness. They should be strategically placed around the workplace in areas where:

- There is a specific risk that could cause injury (such as falling objects or moving vehicles)
- There are hazards that are not immediately obvious (such as radiation or high voltage)
- There are temporary hazards (such as ice on walkways or wet floors)
- There are areas requiring PPE (such as hearing protection or hard hats)
- There are dangerous substances being used (such as flammable or toxic chemicals)
- There is any other hazard that could pose a health problem (such as asbestos or excessive noise levels)

How safety signs can reduce liability

The Health and Safety (Safety Signs and Signals) Regulations 1996 cover situations and circumstances where safety signs are mandatory, and a failure to comply could put you at risk of expensive compensation claims if someone is injured on your premises. Conversely, while safety signs cannot fully protect you against an injury claim, they can help. If clear signs were in place but were recklessly ignored, it's less likely that you will be held responsible for a resulting injury.

Advantages of safety signs

Using suitable safety signs on your business premises can be a convenient and cost-effective way to prevent injury. Even well-trained staff need reminders to take precautions, use safety equipment and wear protective clothing, and visitors to your site need clear, visual warnings of any hazards that may not be obvious. Signs with images and universal symbols are essential in overcoming language or literacy barriers.

When do safety signs become ineffective?

Safety signs can become ineffective when workers become so used to them that they become 'blind' to them and forget to follow instructions. For this reason, safety signs should be used in conjunction with ongoing safety training and other reminders regarding safety procedures.

When to remove safety signs

Temporary safety signs can cause a specific problem. Always remove them as soon as the hazard has passed or workers will simply ignore such signs, assuming that they are probably out of date. If a wet floor sign regularly remains in place long after the floor is dry, for example, people will simply walk across the floor, because, in their experience, the sign is usually wrong.

Follow these simple tips to ensure maximum effectiveness of your safety signs.

Seton recommends...



Style No.
ML020A4SAV



Style No.
HZ068A4SAV



Style No.
TRAF990AJRP



Style No.
FA006A4SAV

Radon exposure in the workplace



“radon is now recognised to be the second largest cause of lung cancer in the UK after smoking”

Radon exposure isn't something that most people in the UK are aware of, which is perhaps surprising, as radon comprises the most significant component of background radiation that UK workers are exposed to. Here's what you need to know about radon exposure in the workplace.

What is radon?

Radon is a naturally occurring radioactive gas. It's formed by the decay of small amounts of uranium (which also occurs naturally in rocks and soils). Radon is colourless and odourless, so is hard to detect.

Why is it a problem?

The Health and Safety Executive (HSE) says that radon is now recognised to be the second largest cause of lung cancer in the UK after smoking. Small amounts of radon are not necessarily harmful. It is usually breathed in and immediately exhaled, with no lasting effect. However, radon itself also breaks down to produce tiny radioactive particles in the air. High levels, over time, can damage lung tissue and increase the risk of lung cancer.

Legislation

The Management of Health and Safety at Work Regulations 1999 not only state that employers have a legal duty to ensure that their working environment is safe, but also specifically mention that in some circumstances, employers are obligated to conduct a radon gas risk assessment, and take action to restrict employee exposure. Levels that require measures to ensure employee safety are covered in the Ionising Radiation Regulations 2017.

Which workplaces can be affected by radon?

Any indoor workplace, such as a factory, office or shop, may be affected by radon. Underground work sites such as mines, cellars and underground service ducts may have an increased risk. Some parts of the UK are at higher risk than others due to higher natural levels of radon in the ground. Any workplace can, however, be at risk, and a radon exposure assessment can help put your mind at rest, or enable you to put suitable protective measures in place if necessary.

Monitoring and action levels

As mentioned, radon is not easy to detect under normal circumstances, but it can be detected, and measured, with specialist radon monitoring devices. The number of devices needed will depend on the size and layout of the area to be assessed, so it is important to devise a monitoring plan that is suitable for your business premises and work sites. To allow for seasonal variations and get an accurate average annual level of radon, you will need to monitor over a 12-month period.

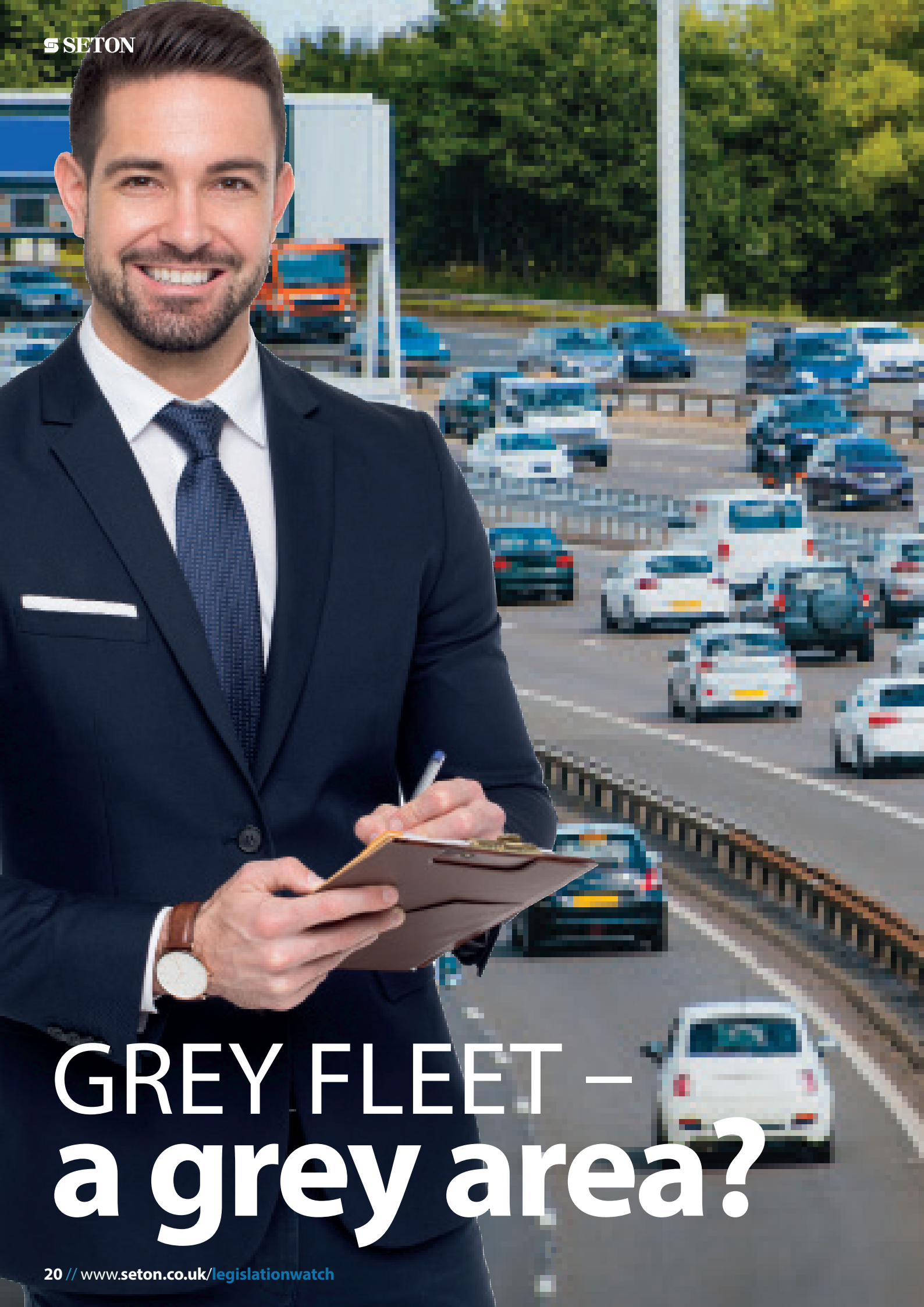
The Ionising Radiation Regulations require employers to take action to limit radon exposure in any workplace where average annual results exceed 300 Bq/m³. In workplaces where radon levels are below this, no action is required, but it's advisable to keep records of your assessment, and carry out another one in around 10 years, or sooner if there are significant changes to the structure of your premises that could cause radon levels to rise.

Protective measures

There are various measures that can be taken to protect employees from radon exposure in the workplace. These can include ventilation of various areas within the workplace, such as underfloor ventilation where appropriate, as well as sealing gaps in floors, and walls that are in contact with the ground. It may also be necessary to install extraction pipework or radon sumps.

After putting protective measures in place, you will need to reassess the radon levels to check their effectiveness. This should be an ongoing procedure, with radon levels being remeasured annually, alongside maintenance of your new control methods.

According to a 2010 Health and Safety Executive report, around 48% of the average UK radiation dose came from radon, so it's well worth protecting your workplace and employees.



GREY FLEET – a grey area?

Many UK employers don't realise that they have a responsibility for grey fleet vehicles, but they do. Research from Driving for Better Business (DfBB) indicates that 60% of executive directors surveyed didn't even know if they had a grey fleet, or how big it might be.

What is grey fleet?

'Grey fleet' refers to vehicles that don't belong to a company but are used for business travel. It includes any vehicle privately owned or rented by an employee that is used for transport connected to their job.

Employer responsibilities and legal duties

All employers have responsibilities regarding vehicles used for business purposes, and this applies to privately owned or rented vehicles used by staff in the course of their employment, as well as company-owned vehicles. Employer responsibilities with regard to grey fleet include ensuring that:

- Vehicles are taxed and serviced with a valid MOT
- The driver has a valid and appropriate driving licence
- The vehicle is insured for business use
- The driver conducts regular safety checks
- The vehicle is not driven in a dangerous condition.

There are different levels of business insurance required depending upon the use of the vehicle (Class 1/2 for driving to multiple places of work, such as a care worker, Class 3 for high mileage driving such as salespersons and specialist commercial insurance for delivery drivers).

A vehicle is considered grey fleet whether the employee is temporary or permanent. For example, temporary delivery drivers who are taken on around Christmas or other busy periods and who drive their own vehicles are still considered grey fleet.

Problems and risks associated with grey fleet vehicles

It can get complicated keeping track of grey fleet vehicles and managing safety effectively. Employees using their own cars are not usually covered by company

insurance, and the company has no direct responsibility, or authority, to take them in for servicing, MOTs and safety checks. They do, however, have the responsibility of ensuring that the owner or other relevant party does so.

Fleet managers also need to ensure that any vehicle used for work purposes is currently roadworthy and fit for work purposes, and that employees who drive for work purposes hold a valid licence and insurance documents.

One major problem is that not all companies have a fleet manager, or know how to manage a grey fleet. Many business owners may not even realise that they are responsible for cars owned by employees but used for business purposes. In the DfBB survey mentioned above, 53% of executives surveyed believed, incorrectly, that the company was not responsible for its grey fleet.

Benefits of grey fleets

Grey fleet vehicles can be of benefit to businesses, saving them the time and expense of maintaining company-owned cars. It is vital to remember, however, that these vehicles are still company responsibility and must be actively managed. This is fine if a company employs a large number of grey fleet drivers and a dedicated fleet manager. However, many companies that benefit from grey fleet vehicles are smaller companies where employees use their vehicles (or rent vehicles) for work purposes from time to time, and there is no dedicated staff member to oversee the management of the vehicles involved.

How you can effectively manage your grey fleet

Managing your grey fleet will require you to appoint someone to monitor all vehicles used for business purposes. You

do not need a dedicated staff member. Indeed, in small companies with few grey fleet vehicles, it will only take up a small amount of time for an existing staff member.

To ensure good grey fleet management, all business-related travel should be approved in advance. It can then be ascertained if a grey fleet vehicle is the best form of transport. It is important to put a grey fleet policy in place, outlining the minimum vehicle standards that employee-owned cars must meet in order to be approved as grey fleet and used for business travel. At a minimum, this will include all legally required criteria such as suitable insurance, up-to-date road tax, and a valid MOT.

Grey fleet vehicles can be a convenient and cost-effective option for many businesses, but they do need to be checked, monitored and carefully managed.

Seton recommends...



Style No. DSDVD



Style No. WSS0025

Are you paying attention to hidden disabilities?



Most business owners are aware of the importance of creating inclusive policies and providing access arrangements for disabled workers. However, some disabilities go unnoticed in the workplace because they are 'hidden' or 'invisible'. Agency Central estimates that 96% of illnesses are invisible, and around 60% of those suffering with a chronic invisible illness are of typical working age (18-64).

However, according to a recent survey, around 50% of public service workers surveyed said that they felt that there was actually more stigma attached to invisible disabilities, and this rose to 60% of those in the private sector. Employers still have a duty of care towards employees with invisible disabilities, so it's important that they are fully understood.

Employer duties and legislation

The Disability Discrimination Act of 1995 originally covered discrimination against those with disabilities across the UK. It was later replaced with the Equality Act of 2010 in most parts of the UK, though the Disability Discrimination Act 1995 as amended, remains in place in Northern Ireland. These Acts protect UK workers

with a disability, defined as any physical or mental impairment that has a substantial and long-term impact on normal daily activities.

Employers have a responsibility to avoid and prevent discrimination based on disability, and make reasonable adjustments for an employee with a disability, provided that they know, or could reasonably be expected to know, that the worker has a disability and is at a disadvantage because of it.

What is an invisible disability?

An invisible disability is any condition that limits a person's abilities, activities or movements but is not obvious to the outside world. This can include chronic illnesses, long-term conditions, and both physical and mental health issues.



Examples of invisible disabilities

There are many invisible disabilities. They include, but are not limited to, issues such as:

- Chronic fatigue syndrome
- Fibromyalgia
- Cystic fibrosis
- Epilepsy
- Depression
- Anxiety disorders
- Bipolar disorder
- Post-traumatic stress disorder
- Autism spectrum disorder
- Diabetes
- Arthritis
- Osteoporosis
- Asthma

How invisible disabilities present themselves in the workplace

Invisible disabilities can present themselves in many ways. An invisible disability may be the root cause of frequent absences, occasional underperformance at work, or a person's inability to take on specific tasks or work in specific situations. They are often misunderstood and other workers may be quick to blame the person if the disability is not obvious.

How to accommodate invisible disabilities in the workplace

There are many ways that employers can strive to accommodate invisible disabilities in the workplace. It starts with banishing stigma and encouraging employees to disclose invisible disabilities, even in sensitive cases such as depression and anxiety. These are two conditions that, in their many forms, can result in frequent absences, even though the employee is capable and even eager to do their work. In many cases, it might support the employee's needs and hugely increase

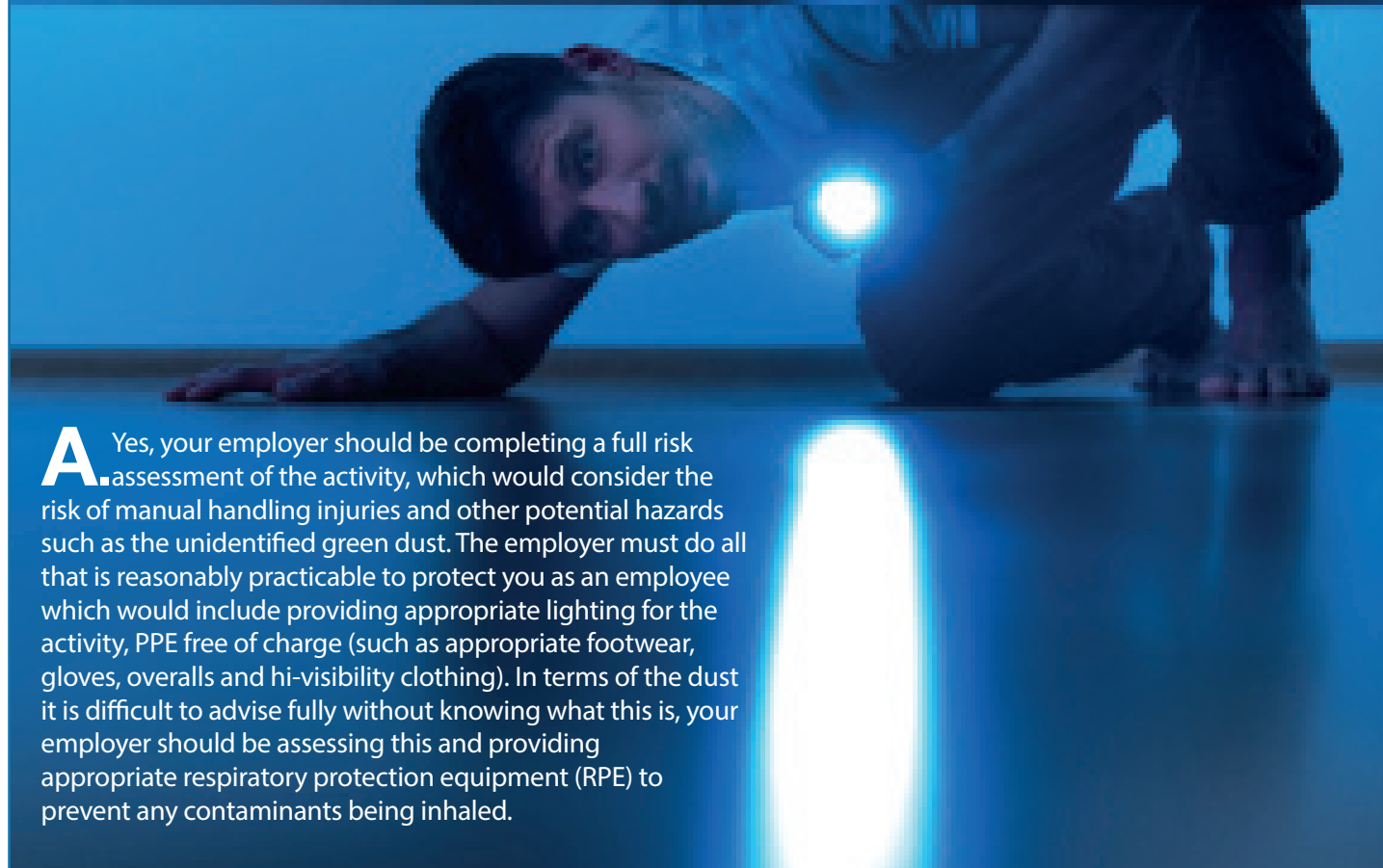
productivity if arrangements to work from home, either regularly or as the need arises, can be put in place.

There are, however, many different types of invisible disabilities, with many different solutions. Diabetic employees may need accommodations to allow them to eat at the right times, test blood sugar levels frequently, and take their medication (which generally needs to be injected). Someone suffering from fibromyalgia may need regular rest breaks and accommodations to allow them to do whatever they need to in order to manage physical pain. Workers with autism spectrum disorder may need different types of accommodations, depending on how their condition presents.

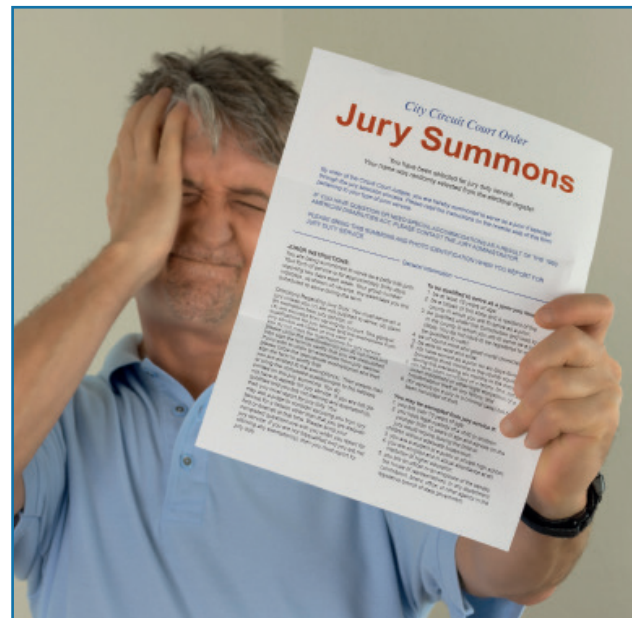
Ultimately, supporting workers with invisible disabilities involves being willing to listen, adapt and innovate. Every worker is different, even those with the same disability. As a business owner or supervisor, it's vital that you are able to provide each employee with the accommodations they need to be a valuable member of your team.

Q&As

Q. I work in a warehouse and sometimes I am required to unload the shipping containers. There is no light other than a torch, I haven't had any specific training nor am I provided with PPE other than a hi-vis. Should my employer be doing more with regards to health and safety? There is also a lot of green dust inside the containers which does concern me when I'm breathing it in.



A. Yes, your employer should be completing a full risk assessment of the activity, which would consider the risk of manual handling injuries and other potential hazards such as the unidentified green dust. The employer must do all that is reasonably practicable to protect you as an employee which would include providing appropriate lighting for the activity, PPE free of charge (such as appropriate footwear, gloves, overalls and hi-visibility clothing). In terms of the dust it is difficult to advise fully without knowing what this is, your employer should be assessing this and providing appropriate respiratory protection equipment (RPE) to prevent any contaminants being inhaled.



Q. One of our employees has been called for jury service during our peak business times. He has been notified that it could be a lengthy trial lasting up to 12 weeks. Is there anything we can claim off the Courts for the disruption caused and any losses incurred due to a lack of staffing resources or to cover the cost of a temporary cover? We are happy to pay him for the usual two weeks' jury service but will be unable to pay him for the whole 12-week trial.

A. It's not normally possible for an organisation to claim for any disruption or loss, however it is possible to defer jury service if the employee's absence will have a detrimental impact to the organisation's operations – this can only be done once – information and the process can be found here. The employee can make a claim towards any loss of earnings from the court - <https://www.gov.uk/jury-service/what-you-can-claim>.

Q&As



Q. I work in building maintenance and have recently discovered that some of the buildings I maintain regularly contain asbestos. Should my employer have told me about this? Are there any safety precautions that should be in place?

A. You should have been informed of asbestos contained within buildings, your employer would have a duty to manage asbestos. Any building built prior to 1999 should be assumed to contain asbestos containing materials (ACMs) unless a full asbestos survey has been completed and indicates otherwise. It is the responsibility of the duty holder (your employer or the person in control of the building if this is someone different) to conduct a full risk assessment, including asbestos and produce an Asbestos Register for the building which contains information on the type and location of asbestos within the building. Any asbestos contained within general areas should be monitored and managed such as through clear labelling to prevent disturbance, if maintenance work is being conducted on ACMs, or materials suspected to be ACMs then a licensed contractor should be used who is competent and certified to work with asbestos. Some work is permitted as non-licensed work, however this should still be conducted by persons who are trained and competent working with asbestos. An overview of the legal requirements and controls are available on the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>.

News ROUND UP

January 2020



Halfords fined over unsafe stock levels

Halfords has been fined £200,000 after an employee was trapped by a fallen stack of boxes. There were a number of health and safety breaches, including failing to undertake a risk assessment for stacking boxed bikes; failing to provide employees with appropriate training in relation to boxed bikes; and failing to adequately control and manage the stock of boxed bikes.



Blackpool Pier firm allowed employees to vacuum asbestos

Two directors of The Blackpool Pier Company have admitted health and safety offences after allowing fatal asbestos fibres to float along the promenade while a circus style roof was removed. A licensed company had quoted them to carry out the work, but to cut costs, their employees started the work instead by vacuuming the asbestos. They will appear at Preston Crown court on 1 May 2020.



Law change needed to eliminate unequal pay

The Fawcett Society is campaigning for a change in the law to allow women a 'right to know' what a counterpart male colleague earns if they believe there is pay discrimination. Research shows that 79% of people support the change, saying they agree that a woman should be able to find out whether she is being paid less than a man for equal work.

Rat droppings and out of date food found at supermarket

A Hayes supermarket has been prosecuted for selling food past its use by date and for failing to keep the shop clean and free from pests under Food Safety & Hygiene (England) Regulations 2013. Inspectors discovered the out of date meat and mouse and rat droppings under shelves following a complaint from a member of the public.



Workplace eyecare can detect diabetes

An estimated 4.7 million people in the UK are affected by diabetes and around 1 million people are undiagnosed and living with it. Specsavers Corporate Eyecare has issued a warning about the risk of blindness and how workplace eye care can aid early detection. A third of employers offer no eye care at all but it is a legal requirement to provide eye tests to staff who use a screen or drive for work.



Drone safety standards announced

Following a 12-month period of consultation, the World's first ISO approved drone standards have been announced by the International Organisation for Standardisation (ISO). The new standards include protocol on quality, safety, security and overall 'etiquette' for operating commercial air drones which will help shape future regulations and legislation.



Revised guidance: exposure to welding fume

New scientific evidence from the International Agency for Research on Cancer shows that exposure to mild steel welding fume can cause lung cancer and possibly kidney cancer in humans. In February 2019 HSE issued a safety alert to inform industry of a change to the control expectations for exposure to welding fume. HSE has now revised its guidance and has published web pages on how to manage exposure.



Pigeon epidemic creating health hazard

Hundreds of birds have flocked to Strabane taking up residence on property roofs. The pigeon epidemic has gone from being a nuisance to becoming a potential health and safety hazard. The Department for Agriculture Environment and Rural Development (DAERA) said it was not their responsibility to act on this type of vermin issue.



Thames Water workers narrowly avoided sewer death

Thames Water Utilities has been fined £300,000 after three workers were carried along a sewer after a 150-year-old sewer gate collapsed. The workers suffered minor physical injuries and have been mentally affected by the trauma. Thames Water admitted breaching reg 3(1)(b) of the Confined Spaces Regulations after the HSE investigation found they had failed to properly coordinate the work activities.



Knowledge Centre: Help & Advice

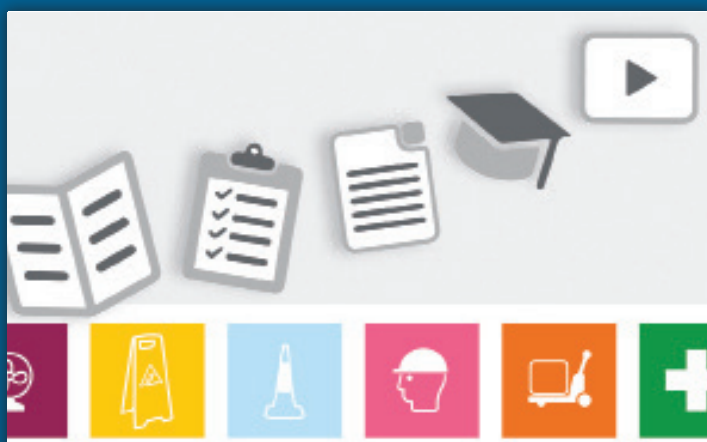
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