

# Legislation WATCH

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

# Mental Health at Work

Why it pays to take it seriously, read more from page 4.

Inside this issue...

Happy Workplace, Happy Mind



Working in a Winter Wonderland



Dark Nights and Employee Safety



SAFETY  
MADE  
EASY

# Contents



**Editor**

Cheryl Peacock

**Designer**

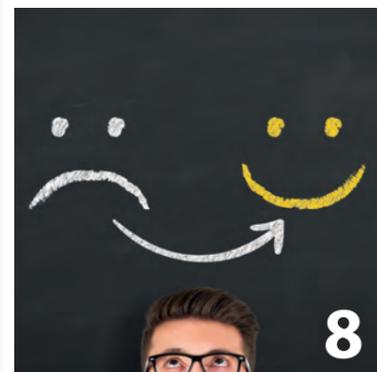
Nada Curley

**UK General Manager**

Sally Clayton

**Head Office**

14 Wildmere Road  
Banbury  
OXON  
OX16 3JU



**03 // Legal Update**  
Latest UK legislation

**04 // Mental Health**  
Let's talk

**08 // An Employer's Guide**  
Mental health at work

**11 // Ask the Expert**  
Free advice on health and safety

**12 // Happy Workplace**  
Happy mind

**14 // Product Manager's Spot**  
Maintaining a safe car park



**16 // Winter Wonderland**  
Working outside

**18 // Conquer the Cold**  
with correct PPE

**20 // Dark Nights**  
Employee safety

**22 // Lighting the Way**  
Photoluminescent signage

**24 // Q&As**  
Work and winter weather

**26 // News Round Up**  
The latest news and prosecutions

## Note FROM THE EDITOR...



I hope you enjoy this edition of Legislation Watch, don't forget you can read and download all the information online at [seton.co.uk/legislationwatch](http://seton.co.uk/legislationwatch).

Have a safe winter!

**Cheryl Peacock**  
Editor

Follow Seton on:



Contact us:

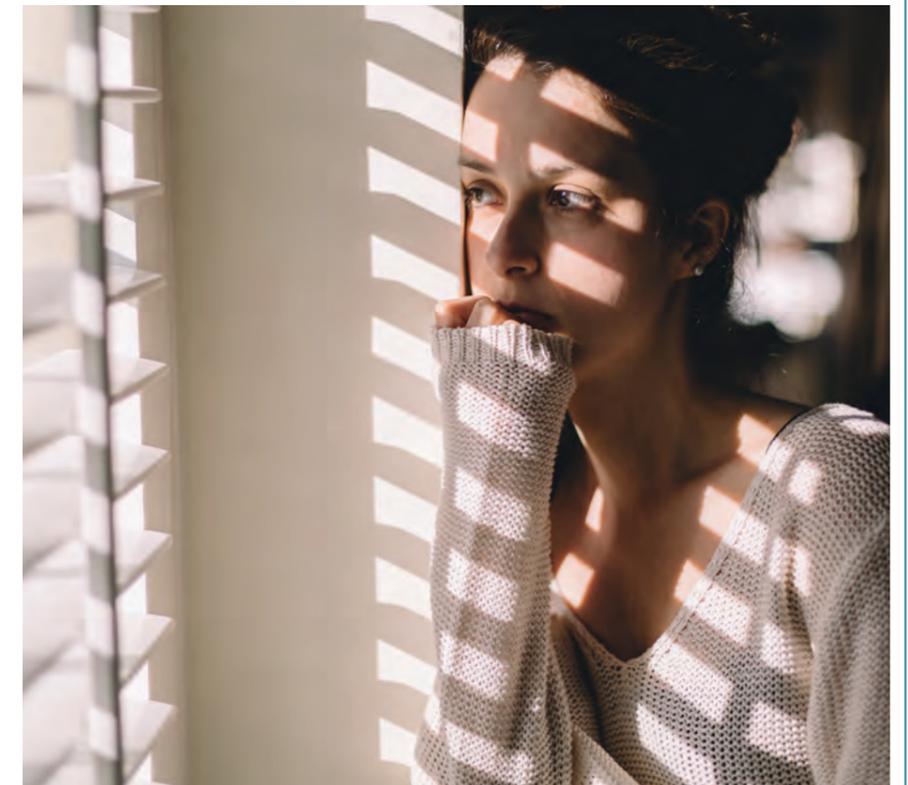
Freephone 0800 585501  
Online [www.seton.co.uk](http://www.seton.co.uk)  
Email [sales@seton.co.uk](mailto:sales@seton.co.uk)

# Legal UPDATE

## Parents entitled to bereavement leave after the loss of a child

A new workplace right to paid leave for bereaved parents was officially enshrined in law on 13th September 2018. The Parental Bereavement Leave and Pay Act is the first law of its kind in the UK that supports employed parents affected by the tragedy of childhood mortality. Parents experiencing the devastating loss of a child under 18 or who suffer a stillbirth from 24 weeks of pregnancy will receive 2 weeks' leave under the Act, which is expected to come into force in 2020.

It is important parents are given time to grieve and this new law is a huge step forward in ensuring parents are not unduly pressurised to return to work immediately following the death of their child.



## Jail time to double for assaulting an emergency worker

The Assaults on Emergency Workers (Offences) Act came into force on 13th September 2018. Individuals who assault or attack emergency workers will now face up to 12 months in jail, previously this was up to 6 months. The new law covers police, prison officers, custody officers, fire service personnel, search and rescue services and paramedics. The new law will also mean that judges must consider tougher sentences for a range of other offences - including GBH and sexual assault - if the victim is an emergency worker.

The Justice Secretary is also bringing through a range of measures to protect prison officers, including rolling out body worn cameras, 'police-style' handcuffs and restraints, and trialling PAVA incapacitant spray.



# LET'S TALK ABOUT

# Mental Health

**Mental health problems at work cost the UK economy almost £35bn in 2017 according to research by the Centre for Mental Health. This equates to £1,300 for every single worker employed in the UK. Business costs are wide reaching and include lower productivity at work (£21.2bn), sickness absence (£10.6bn) and staff turnover (£3.1bn).**

**“At any one time, one in five working people will have a mental health difficulty”, Sarah Hughes, Centre for Mental Health Chief Executive says. “Many will never get any help. Some end up losing their jobs while for others being at work is an important part of recovering from a mental health problem.”**

The good news is that employers are now taking mental health seriously and doing more to establish support structures that help staff to address issues and overcome them. However, the costs have spiralled compared to a decade ago. The onus is on the government and business to make it a priority. Hughes concludes: “Those that ignore the issue, or who undermine the mental health of their staff, risk not only the health of the people who work for them but the wealth of their business and the health of the economy as a whole.”

### What is mental health?

Mental health is anchored by an individual's psychological wellbeing where they are able to fulfil their own potential, cope with life and play an active role in a family, workplace and local community. Mental health contributes to a person's overall health. The World Health Organization says health can be considered to be a “state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”.

### What are mental health problems?

Everyone goes through fluctuations in mood and feelings but, the majority of the time, these pass and an individual returns to a state of wellbeing. However, certain feelings may linger and then develop into more serious problems. This can happen to anyone. A few early warning signs that you or a person you know is struggling with mental health problems include:

- Lack of sleep or too much sleep
- Eating too much or too little
- Lack of energy
- Unexplained aches and pains
- Feelings of hopelessness
- Increased consumption of alcohol or drugs
- Severe mood swings
- Persistent thoughts and memories
- Inability to perform important daily tasks
- Lack of interest in activities and tasks that were previously enjoyed
- Thoughts of harming oneself or others
- Feeling more anxious, worried, scared, upset, confused or forgetful
- Isolating oneself away from others and usual activities

CONTINUED... ►►



Mental health is not a constant state of being, it will fluctuate during our lives, especially during highly stressful moments. You may find it easy to bounce back from a setback or traumatic event while others will struggle to make sense of it and overcome it for a longer period of time. Everyone is different but it is important to be vigilant and understanding about mental health and how it can affect how we think, feel and act.

**Types of mental health problems**

**Anxiety and panic attacks**

Anxiety is an emotion that everyone will experience from time to time, but it can become more serious when an individual has persistent feelings of anxiety and it prevents them from functioning properly in day to day life. Panic attacks are an extension of anxiety and occur as an episode during which the individual can experience shortness of breath, blurred vision, accelerated heart

rate or sweating due to overwhelming or intense feelings of anxiety.

- 6 in 100 people experience the common anxiety problem known as Generalised Anxiety Disorder (Source: MIND)

**Depression**

Depression is more than just isolated feelings of sadness, it is an extended period of low mood which makes it difficult to function, have fun or enjoy life. Specific events can trigger depression and it can manifest in a variety of ways. Those suffering from depression often struggle to understand why they are feeling this way and have no idea about what they can do to feel better. Similarly, people often believe the individual can merely 'snap out of it', but this is not helpful or relevant.

- It is estimated that 3 in 100 people in the UK experience depression during a single week
- 8 in 100 people experience both anxiety and depression (Source: MIND)

**Bipolar disorder**

Bipolar disorder is often termed as manic depression and is a condition that involves 'high' periods of excitement and confidence followed by 'low' periods of depression and low self-esteem. There are three main types of bipolar disorder: Bipolar I, Bipolar II and Cyclothymia. A psychologist is the only professional who can diagnose bipolar disorder.

- 2% of the UK population fit the criteria for a diagnosis but many never receive a formal bipolar examination (Source: Time to Change)

**Post-Traumatic Stress Disorder (PTSD)**

PTSD is a diagnosis stemming from a particularly traumatic event in a person's life. It can develop straight after the event or further down the line. It often includes symptoms such as being emotionally numb, reliving the event via flashbacks and nightmares and suffering feelings of anxiousness.

- 4.4% of the UK population fit the criteria for PTSD (Source: Time to Change)

**Eating disorders**

Unhealthy thoughts and behaviours linked to the consumption of food and body shape are commonly associated with eating disorders. The most well-known disorders include anorexia, bulimia and binge eating.

**Obsessive-compulsive disorder**

OCD is defined as obsessive thoughts and compulsive behaviours that go beyond what is reasonable. Those suffering from OCD often perform rituals, experience correcting thoughts, check things

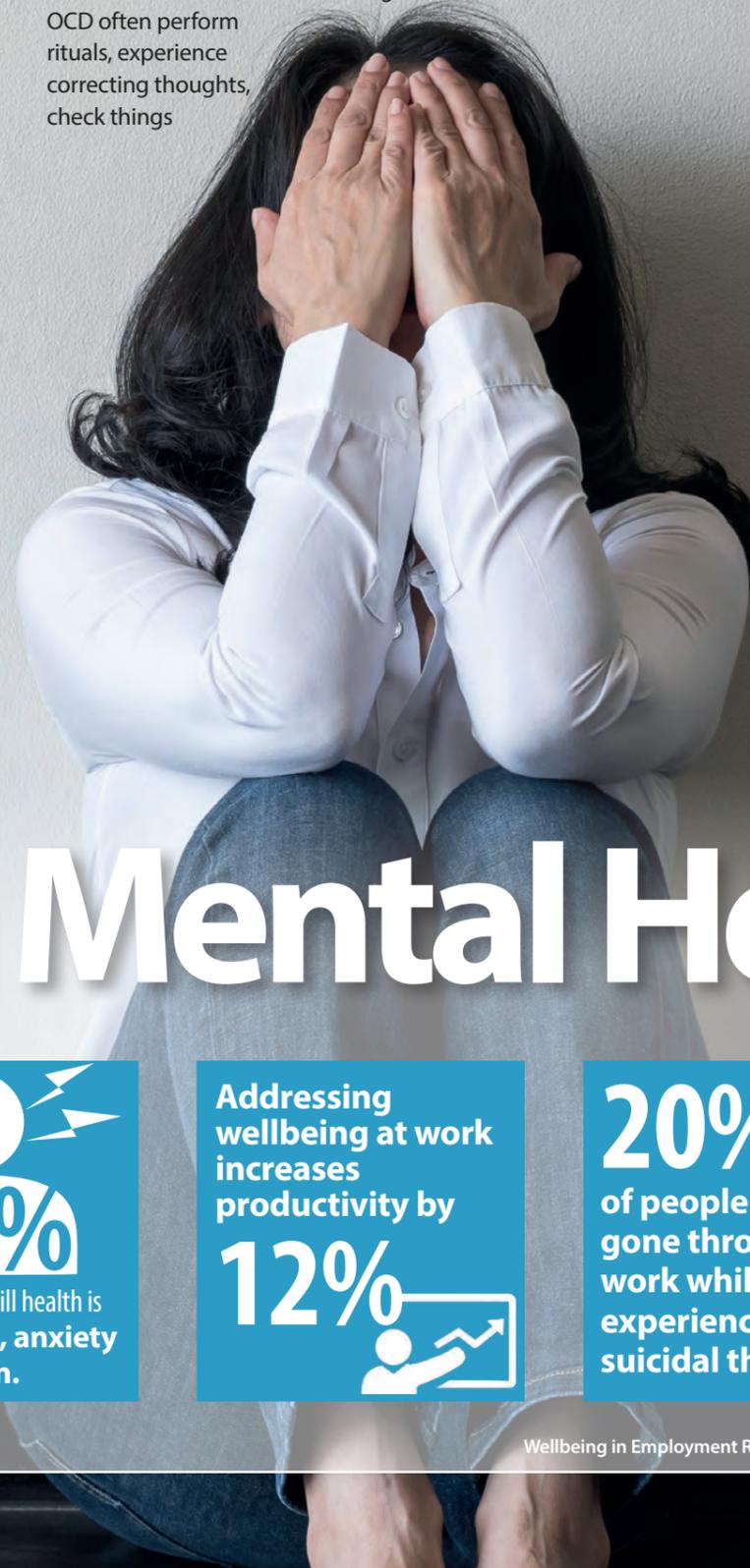
obsessively and need constant reassurance from others. These actions often stem from a concern about one's safety or that of friends or family, fears of infection or disease, worries about things being in order and unwelcome or intrusive thoughts.

Other mental health problems include psychosis, schizophrenia, self-harm and suicidal feelings.

**Why don't people talk?**

People are often afraid to speak up about mental health problems due to fear of discrimination and feelings of shame. A world where everyone is open and ready to communicate about mental health challenges is a world where these problems do not carry any sort of stigma.

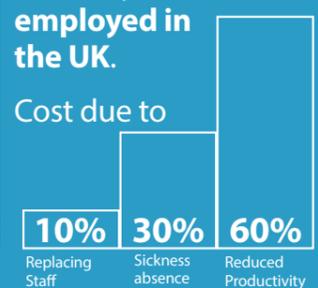
Unfortunately, people often internalise their problems and feel like they cannot seek the help they need. This only exacerbates the issue and leaves people isolated and alone. Progress is being made with the arrival of work-based policies and legislation such as the Equality Act 2010. Employers, managers and employees can all contribute to positive mental health by being vigilant and aware of the challenges each person faces and ready and willing to take action to support an individual during tough times and rehabilitate them back into work.



Mental ill health at work cost businesses

£35bn

in 2017. Equating to £1300 for every worker employed in the UK.



# Health and Work Spotlight on Mental Health

**1 in 5** Workers are likely to be suffering from a mental health condition.

**12.5m** Working days lost in 2016/17 due to stress, depression and anxiety.

**40%** of all work-related ill health is caused by stress, anxiety or depression.

Addressing wellbeing at work increases productivity by **12%**

**20%** of people have gone through work while experiencing suicidal thoughts.

**300,000** people with mental health problems leave the UK workforce each year.

Sources: Centre for Mental Health, Deloitte Mental Health and Wellbeing in Employment Report 2017, Labour Force Survey, Mental Health Foundation 2016.

# MENTAL HEALTH AT WORK: an employer's guide

CONTINUED... ►►

Mental health problems now affect one in five workers in the UK, so it is important that employers do everything they can to help staff. Establishing a support unit to help those experiencing problems to come to terms with mental illness, begin their recovery and then return to full health is beneficial for everyone involved. First and foremost, it helps talented and skilled individuals to overcome personal problems and perform at their best. It also shows the organisation's values and treats people in the right way.

### What the law says

- The Health & Safety at Work Act 1974 requires employers to ensure the wellbeing of employees through the implementation of safe systems of work, and the provision of training and relevant information
- Employers have a "duty to ensure the safety and health of workers in every aspect related to work" under European regulations. This duty covers work-related stress and other mental health problems
- The Equality Act 2010 and the Disability Discrimination Act 1995 gives employees the right to challenge discrimination. Significant mental illness is defined as a disability under these acts. Workers can ask for adjustments or amendments to their jobs or workplace, and are protected from discrimination, harassment and bullying
- The Management of Health and Safety at Work Regulations 1999 requires UK employers to properly assess the safety risks employees are exposed to while working. This extends to assessment of stress-related health and a need to mitigate any risks identified
- United Nations Universal Declaration of Human Rights supports the freedom of expression, thought and association.

### Spotting symptoms

Workplace mental health problems can manifest in a number of different ways and there may not be any outward signs to suggest an employee is having a difficult time. Firstly, it is important not to make any assumptions about the mental health of another person. An open and positive workplace culture should empower those struggling to come forward. While there are no hard and fast rules, a few clues that someone may be experiencing a mental health problem include:

- Changes in an individual's mood, behaviour, work output or motivation levels
- Difficulty with problem solving, decision making, getting organised
- Appearing to be withdrawn, tired, anxious, irritable
- Changes in eating habits or appetite including drug or alcohol consumption
- Loss of interest in activities or topics a person previously enjoyed.



### Protect staff from discrimination

The fear of being discriminated against often contributes to a person's feeling of loneliness and their inability to speak up when they are struggling. A warm and open workplace culture should alleviate these concerns, but employers also have a legal obligation to protect staff from discrimination. This is enshrined in the Equality Act 2010, which gives employees the right to challenge any form of discrimination on the grounds of disability.

The Equality Act 2010 also extends to recruitment. It is now unlawful for an employer to ask health-related questions when looking to hire a new member of staff. The candidate has the right to decide whether they want to disclose their workplace mental health history. If they do decide so, they must not be discriminated against during recruitment. The Chartered Institute of Personnel and Development (CIPD) suggests employers:

- Visibly showcase a commitment to positive mental health and a desire to pursue equal opportunities for all
- Determine essential and desirable requirements for a particular role early on to enable adjustments and flexibility.

Reasonable adjustments are another part of the Equality Act 2010 and are a legal obligation for the employer to make changes to a role to cater to employees. These changes include flexible working policies, enabling workers to commute outside of rush hours, giving them time off for appointments and allocating tasks on a temporary basis if they are challenging or stressful.

### What employers can do to provide support

Support is all about positive steps and subtle changes. The primary target is establishing a structure capable of addressing the issues an employee is struggling with. Clear policies are crucial as they will buttress the support system for an individual as they attempt to cope and recover. However, these policies do not have to be exhaustive or complex. Simple, practical and cost effective measures are best. Remember to think about the person and their specific needs. Again, it is vital to be positive and creative.

Making small changes to a person's role and how they perform that role while providing additional support is recommended.

### Job role changes

- Reallocate certain tasks to alleviate the burden of a job role
- Change workspace so employee is in a quieter location
- Support flexible ways of working from home and use connected platforms to keep in touch regularly
- Implement return to work policies so employees can gradually build up hours and continue full time
- Put agreements in place to allow an employee leave at short notice for counselling, therapy or appointments.



#### Extra support

- Provide additional support and increased supervision
- Offer additional training, mentoring and help with managing workloads
- Provide a support structure to give constructive feedback

- Arrange debriefing sessions following meetings, tasks and calls to reduce stress
- Create an informal or formal 'buddy' system to boost morale and increase communication
- Identify 'safe spaces' for individuals to take a time out and relax

- Provide self-help information, outline successful case studies, share approaches and adjustments that have worked for others
- Provide a platform for regular discussion between employees to reflect on positive achievements.

#### Five step plan

- 1 Open up a conversation. It does not have to be awkward or difficult, simply ask an employee how they are doing and work from there.
- 2 Develop an action plan and make reasonable adjustments.
- 3 Manage an employee's time if they have to take a leave of absence. Keep in contact, be clear their job is safe, and maintain an open door policy so they can communicate.
- 4 Plan for the employee's return to work. Tell them they were missed, meet to decide on the best route forward, and discuss worries and concerns.
- 5 Arrange for the employee's return to work. Meet the individual, incorporate phased returns if appropriate, ensure to keep in regular contact.

## Positive case studies

*Simon recently experienced a family bereavement and became averse to public phone calls which were either emotional or challenging. A fellow team member took over these calls temporarily until Simon felt he was ready to make personal contact with outsiders again.*

*Jenna used her lunch break to manage a time out schedule in a quiet work location. Three 20-minute slots each day alleviated her feelings of stress and boosted her productivity thereafter.*

*Alison suffered from anxiety and needed positive reassurance from her manager via simple greetings in the morning and acknowledgement of good work to reassure her that everything was okay.*

# 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](http://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!

# Happy

## workplace, happy mind



**With the rise of tech startups such as Google and Facebook, we have seen an increased emphasis amongst employers on workplace wellbeing and employee welfare. This is not just an effort by employers to attract top talent in an increasingly competitive job market. Instead, it reflects a growing awareness of the relationship between workplace wellbeing and the company's overall productivity. In this regard, workplace wellbeing has a trickle-down, or perhaps more accurately 'trickle-up', effect on the productivity and thus profitability of businesses.**

### What is workplace wellbeing?

Workplace wellbeing, or employee welfare, is a catch-all phrase that covers both the physical and mental health of employees. Due to how broad the term is, it can cover initiatives aimed at physical health, such as the provision of healthy food options to employees or fitness classes, as well as training and other working practices to help employees deal with stress and achieve a better work life balance.

### Conditions facing employees

A recent poll by Aviva Health found that 70% of businesses need their employees to work harder than ever before, with two-thirds of employees saying they work over their required hours at least once a week. Additionally, around half have also reported they work late at least twice a week in addition to working through their lunch. This is compounded by technology, which means employees are increasingly expected to reply to emails late into the evening. As such, employees are often coming into work stressed and overtired.

### The potential costs?

The direct link between mental health and

physical well-being causes employees who suffer from stress and tiredness to be more likely to have health-related absences during the year. Absenteeism can have a massive impact on workplace productivity, costing the UK economy £18bn in 2017.

Businesses also suffer from "presenteeism", which refers to employees who attend work while suffering from a sickness. Research indicates such employees significantly underperform, slow their recovery, and potentially spread sickness. A study by Aviva Health found that presenteeism cuts productivity by as much as a third.

High stress-levels and overtiredness amongst employees also significantly impact workplace relations, often leading to high staff attrition rates.

### The benefits of improving employee wellbeing

Businesses implementing employee wellbeing programmes will immediately benefit from decreases in absenteeism. Similarly, decreases in stress and tiredness translate to increases in productivity and creativity amongst employees. Relations

between employees will also improve, particularly where wellbeing initiatives are combined with teambuilding components such as fitness classes or volunteering.

### The Google effect

Google has one of the longest established and most impressive employee wellness programs, with Google campuses offering a wide array of wellness services including onsite healthcare, physical therapy, massages and fitness facilities. Google also provides a number of restaurants and cafés catering for a range of dietary and nutritional requirements. On top of this, employees are also given access to flexible working arrangements, generous vacation time and volunteering opportunities.

What we can note about Google's strategy is that employee wellbeing is approached holistically and includes both onsite facilities as well as initiatives aimed at improving work-life balance. For this reason, Google has been the recipient of several awards for its company culture and consistently ranks highly for overall employee satisfaction.



**Ed Barnes**  
Traffic Innovation Manager

## SPEED BUMPS AND SIGNS

# Maintaining a safe and orderly car park

Car park management is too often an overlooked aspect of the facilities management role. However, without stringent processes, new technologies and high quality equipment in place, there's a risk legal requirements will not be met. Ed Barnes, our Traffic Innovation Manager provides his top tips for ensuring your car park remains compliant and safe.

### Controlling Speed

We all know that some people like to be a little zippy when they are driving, however unnecessary speed around a premises can be a real danger to employees and visitors.

In order to prevent accidents, controlling speeding is vital. Speed bumps are the obvious solution to help prevent individuals from driving too fast where it is inappropriate. Here at Seton, we are leading the way on innovative design when it comes to speed bumps and other traffic-calming devices.

There are often grievances with the effectiveness of current speed bumps on the market. Durability is a common issue, with low quality speed bumps requiring replacement every twelve months. They can often also bring damage to vehicles, causing scuffs or affecting the suspension, oil sumps and exhausts. Current speed bumps often become hazardous due to decreased visibility, with vehicle tyre abrasion causing them to fade or chip.

Our new Modular Speed Bump promises longer durability, longer visibility and an easier installation process than other speed bumps on the market. A unique, pioneering rail fitting system increases crush resistance, reduces bolt movement and improves "drag" resistance, ensuring it is more durable and long-lasting than previous designs.

A high grip top surface ensures vehicle safety, whilst easy to order kits with all the components and step-by-step visuals make the speed bump extremely simple to install.

We are so confident in our product's durable visibility that we are offering a lifetime guarantee on colour contrast failure on our full colour PVC product. While most speed bumps quickly fade, becoming less noticeable and therefore less safe, ours promises to last as long as the speed bump itself.

### Signage

Clear and appropriate signage is also highly important to ensure a safe car park environment. There should be signs on approach roads indicating the location of the car park, as well as clear entry and exit signs. Signs should also provide clear demarcation of specific parking areas, as well as emphasising all important speed limits. It is also useful for signs to outline parking etiquette to avoid any unnecessary arguments.

In addition to using the correct signage, you have a responsibility to ensure that signs are clear, easy to understand, and well positioned so they are very noticeable. Not only should they be clean and well maintained, signs should also be reflective so that they are visible in the dark.

# SETON SPEED BUMP

The **SPEED BUMP** that's **designed to last!**

- ▶ Innovative ground fixing system
- ▶ Super strength and durability
- ▶ Quick and easy to install

Also available with **Colour Contrast Lifetime Guarantee**

**NEW & EXCLUSIVE TO SETON**  
Patent pending



**EXCLUSIVE** Designed, developed and manufactured by Seton



**WATCH THE SPEED BUMP IN ACTION NOW**  
[seton.co.uk/seton-speed-bump](http://seton.co.uk/seton-speed-bump)

# WORKING IN A **winter wonderland**

Winter is almost here and the spectre of dark afternoons and evenings coupled with poor weather conditions can cause even the simplest tasks to become dangerous. Strong winds, snow, ice, rain and freezing temperatures call for a fresh approach to health and safety at work.

## Assess the risks

Employers have a legal duty to protect the welfare of employees and are responsible for managing health and safety to achieve this aim. Following a simple five-point plan will enable employers to assess the risks of working outside during winter months. Taking preventative measures will mitigate risks.

As an employer, you should be considering the following five aspects of every potential winter hazard:

- Elimination – is it possible to eliminate the time that an employee spends working outside during winter?
- Substitution – is it possible to reduce the time that an employee spends working outside during winter?
- Engineering controls – can the use of vehicles or other forms of work equipment make working in the winter and during darker hours easier?
- Administrative controls – are there any procedures that can be put in place to make winter working safer? Consider installing photoluminescent signage and performing further risk assessments.
- Personal Protective Equipment (PPE) – make sure that employees have access to high-visibility clothing, torches, headlamps, personal alarms and other forms of PPE when working outside.

The first four measures are crucial to risk assessment. PPE should not be viewed as a health and safety shortcut. Only when the previous measures have controlled risks to a reasonable level and are no longer effective should PPE become the focus.

## Work safe

Winter weather is often unpredictable and hazardous. Extended exposure to low temperatures increases the risks of an accident. Employees working outside during this time should always have access to facilities that will allow them to get warm, rest and make hot drinks.

Wind chill is a factor that is frequently overlooked, as it may be difficult to determine the “feels like” temperature before venturing out. This can lead to greater heat loss and the danger of hypothermia, which will slow down the brain’s ability to process information, leaving employees in a confused state.

To combat wind chill, make sure that staff have access to the correct forms of protective clothing. Trousers and jackets should be made of a suitable material that will keep them warm and dry. The use of a variety of thermal and lining layers is recommended - see page 18 for more information on this topic. Make sure that supplied workwear can scale to the temperature going both up and down.

## Correct PPE

Following risk assessment, employers can turn their attentions to supplying the right mix of PPE to employees to help them dull the effects of cold weather, navigate workspaces, and complete work tasks in an efficient and safe manner during winter.

Remember, many workers will now be spending a part of their day in the dark. For more information on correct PPE, take a look at the article on page 18.

Plan ahead and make sure that employees have the right PPE for the task at hand. It is advised that employees refrain from wearing hooded clothing as this can impair vision and reduce visibility and movement.

## Prevent slips & trips

Slips, trips and falls are the most common form of accident during winter as treacherous conditions make surfaces and pathways more hazardous. Limited lighting, ice, snow and mud all increase risks.

As an employer, assess work environments when heavy weather is forecast and use effective grit salt to make premises easier to navigate. Gritting should be completed the night before a new working day – early evening before frost settles is best. It may also be preferable to cordon off certain areas with barriers or cones to further mitigate risks.

Find our full range of essentials at [www.seton.co.uk/winter](http://www.seton.co.uk/winter)

# Conquer the cold

## with correct PPE



Recent extreme cold weather events have emphasised the importance of dressing appropriately for adverse conditions. This is particularly true if you are preparing yourself for outdoor work as weather patterns can be unpredictable, leaving you at risk.

Preparing yourself for outdoor work means not just choosing the right gear for the job, but also wearing it appropriately. In this regard, effectively retaining heat when working in cold conditions is not just a matter of what you wear, but most importantly, how you wear it.

The most effective way to regulate your body heat with clothes when working outdoors is to take a layered approach. 'Layering' is a term used to describe a way of dressing where the emphasis is on having multiple, lighter layers rather than one thick layer. This works by trapping pockets of air between the layers which prevents heat being lost as quickly. It also allows you to better regulate your temperature as layers can be easily added or subtracted depending on how hot or cold you get.

### Difficulties of layering when working outside

Maintaining the right temperature whilst working outside is particularly difficult when the job is physical. Although you might be perfectly temperate when you

start working, as you exert yourself, your temperature will rise which may lead to overheating, and when you perspire it will cool quickly leaving you at risk of hypothermia. It is also important to be mindful of keeping your extremities adequately warm when working outside as they are the first place your body draws heat from when your core temperature drops. This is problematic when working as it can significantly decrease your dexterity and mobility. Mittens are better at conserving heat as it will transfer between fingers, however, they may be less functional. As such, it might be best to pair mittens with a thinner inner glove.

### How to layer properly

When working outside, a layering system should be used, starting with a base wicking layer to remove moisture and then heavier, thicker fabrics to keep you warm. An example of an effective layering system might look something like this:

- Base Layer: The layer next to your skin should consist of synthetic underwear and an additional base layer of long underwear. Using synthetic fabrics instead of cotton allows you to wick perspiration away from your skin, preventing loss of heat.
- Mid-Layer: This should consist of thick insulating socks, synthetic trousers, a synthetic shirt, and glove liners. Try to use lighter fabrics and clothing that allows for free and easy movement.
- Insulating Layer: This is a heavier layer and could consist of a thick fleece and fleece trousers to keep the heat in.
- Outer layer: If particularly cold and dry a thick jacket is best, however if rain or snow is predicted a rain and wind-proof shell is recommended to protect you from the elements and keep the heat in.
- Head and Neck: It is also important to wear a scarf or other neck protector as well as a hat - 50% as body heat is lost through the head. Balaclavas and thermal helmet warmers are also available to keep your face warm.

- Feet: It is recommended to wear two layers of socks for winter working. A thin polypropylene sock underneath a thicker wool sock will ensure feet stay warm even when wet. Sturdy, waterproof work boots are recommended as they can accommodate a thicker sock.

### Best fabrics

Synthetic fabrics are ideal as they are quick drying and less prone to becoming wet when compared to natural fabrics. They effectively wick moisture away from your body, preventing heat loss when sweat begins to cool. Fleece is particularly good as it is moisture wicking and quick drying when compared to wool which draws heat from your body.

### Other top tips for outdoor working

- Eat regularly (6-8 snacks are better than 2 heavy meals)
- Avoid caffeine and alcohol, they restrict blood vessels making it harder to stay warm
- Stay hydrated by drinking plenty of fluids
- Keep an eye on colleagues for signs of hypothermia
- Try and avoid working alone when possible

**Seton recommends...**

Take a look at our full range of workwear at [www.seton.co.uk/ppe](http://www.seton.co.uk/ppe)

# Dark Nights

## EMPLOYEE SAFETY AT EVERY HOUR

Daylight Saving Time ends in late October each year, and with the clocks going back an hour, employees are more likely to spend at least a part of their working day in the dark. Employers have a duty to ensure that employees who are out in the late afternoon, evening and at night are safe wherever they may be.

Putting a few clear and effective systems in place to support health and safety efforts after dark is the easiest way to showcase a duty of care to staff. The majority of these policies are simple and cost-effective.

### Brighten workwear

High-visibility clothing will reduce the risks of accidents and ensure that workers can be seen during dusk and into the night. Brighter workwear will also make it easier to locate employees, especially in hazardous conditions during the winter months. Hi-vis clothing is classified as Personal Protective Equipment (PPE) and generally underscores basic health and safety schemes at work.

### Shine a light

Navigating workplace premises is more hazardous after dark. Providing small appliances such as torches, hand lamps, headlights, lanterns and work lights will allow employees to complete work tasks and travel freely with sufficient lighting at all times. Employees can be caught out by the clocks going back, so try to plan ahead so that they have everything they need.

### Make some noise

Employees such as postal workers and patrol guards often work alone, so it is vital that they have a personal alarm or other device that enables them to raise a signal or make a noise if they are in danger or want to scare off attackers. This will not only improve health and safety but also give staff peace of mind when working during dark nights.

### Safety in numbers

Commuting to and from work in November, December, January and February is more hazardous due to the shorter days. Walking alone during these times can be risky, so consider using car sharing schemes to give employees peace of mind that everyone is arriving home safely. Travelling in numbers on public transport and to and from appointments is also preferable.

### Conceal devices

Using hi-tech smartphones and connected devices after dark can attract thieves and other malicious third parties. It is important to pack brightly lit devices away in a backpack or case. If Bring Your Own Device (BYOD) schemes are in use at work, then make sure that laptops and tablets are passcode protected and locked down to prevent the loss of sensitive business data.

### Stay alert

Darker environments require employees to be more vigilant about risks and dangers. Staying alert at all times, whether commuting home or completing basic work tasks, is crucial. Changing direction is always a good idea when there is a possibility of encountering a suspect group of people or a dark alley.

### Mix up routine

Routines and patterns make it easy for outsiders to anticipate movements on any given day, so try to mix up working methods and journeys. Changing the times that an employee can leave a particular office or location is also recommended.



Take a look at our full range of workwear at [www.seton.co.uk/ppe](http://www.seton.co.uk/ppe)

# LIGHTING the way to safety!

## What is a Safety Way Guidance System?

A Safety Way Guidance System (SWGS) is a clear, unambiguous photoluminescent wayfinding system. Incorporating signage, markings and directions, they ensure people can safely exit from anywhere inside a building, even with poor visibility or lighting. An effective SWGS conveys the required information in order for people to evacuate a building in an efficient and coherent manner and reach safety in the event of an emergency evacuation. Photoluminescent safety signs are central to these systems though neither the Health and Safety (Safety Signs and Signals) Regulations 1996 or The Regulatory Reform (Fire Safety) Order 2005 stipulate a legal requirement for their use.

## Understanding BS ISO 16069:2017

All Safety Way Guidance Systems must conform to the standards set out in BS ISO 16069. This stipulates requirements that need to be met with regard to the design, installation and performance for both photoluminescent and electrical SWGS. Should an emergency occur, be it fire, smoke or power-outage, SWGS which are compliant with ISO 16069 offer clear and safe exit routes. The benefit of these systems is that they are coherent and understood by all, regardless of culture or language. Occupants within your premises can be guided safely out of the building to a designated assembly/refuge point in the event of an emergency. This is ensured as symbols must be compliant with BS EN 7010 and sign design must meet requirements of BS ISO 3864 parts 1-4, to conform to BS ISO 16069.

## How photoluminescent signage works

Photoluminescent signage is able to store energy from natural or artificial light and then release it after the light source is removed in the form of photons which emit a green glow often termed phosphorescence. Recent developments in photoluminescent technology provide a reliable light emission for both signage and SWGS components for many hours, even in the darkest conditions.

## Benefits of a photoluminescent SWGS

- Mitigates risks of slips, falls and injuries by clearly marking any hazards and obstructions

- Empowers people to follow a clear and unambiguous exit route during an emergency
- Ensures action or warning messages can be seen even during a blackout or in smoky environments
- Allows the use of Low-Location Lighting Strips, Stair Markers and Die-Cut Shapes for a more complete lighting setup
- Reduces egress times and improves the efficiency of evacuating buildings by the Fire and Rescue Services by up to 30%
- Shows a duty of care for employees, customers and any other person that may be in a building
- Reliable, cost effective and require minimal maintenance. No battery backup or additional power source is required. A photoluminescent SWGS will always operate if the light source fails or is obliterated by smoke. Emergency lighting is only triggered when the power fails and this could be a significant delay following the initial emergency
- The lower intensity glow or 'luminance' from photoluminescent materials and their positioning at mid and low-level will compliment electrical emergency lighting and remain visible long after the 'illuminance' from ceiling mounted lighting is obliterated or defused by smoke.

## Installing a SWGS

Photoluminescent SWGS should aim to reduce confusion and enable people to take in information quickly and easily as they navigate their way through a building. A few factors to consider include:

- Expected number of people utilising the route
- Features of occupants, including impaired vision, mobility or hearing
- Type of activity that is carried out in the environment
- Anticipated time delay before evacuation procedure
- Purpose of building including size, type and location
- Ensuring photoluminescent systems can be completely charged by maintaining sufficient exposure to light
- Emergency lighting currently in use
- Type and location of any potential escape routes
- Final assembly/refuge point locations
- Intricacy level of escape routes – probable areas of confusion

- Potential hazards which the user may come across
- Certain risk situations in which the escape routes will be used
- Current escape route features

Positioning photoluminescent signage is of paramount importance. The UK Buildings Regulations 2010 state every doorway or exit providing access to a fire escape needs to have exit signage. These signs should be a maximum distance of 10 metres apart and placed at every junction or where there is a change in direction.

Download the full Seton guide to Photoluminescent Signage at [www.seton.co.uk/photolumguide](http://www.seton.co.uk/photolumguide)



# Q&AS Work and winter weather Q&AS

**Q** If employees cannot get to work in severe weather conditions, should they still get paid?

**A.** The short answer to this question is, “no.” If an employee is not working, then they are not fulfilling their contractual obligations. This means that you do not have to pay them, even if their failure to arrive is due to circumstances beyond their control, such as severe winter weather.

However, while this is what the law states, it may not be your best course of action. Staff morale is likely to suffer from employees losing a day’s pay through no fault of their own, and this could affect the reputation of your business as a good employer.

Employers need to balance these points with the cost of paying staff who are not working, to decide the best course of action.

It is a good idea to have a policy on severe weather and other occasions when unusual circumstances prevent people coming to work, so that both you and your employees know the implications in advance.

**Q** If poor weather stops employees from getting to work, then can they take this absence as annual leave?

**A.** There is no reason why an employee should not take paid annual leave if they are unable to get to work during a period of bad weather. As an employer, there is no reason why you should not give your employees this option, particularly if the alternative is to lose a day’s pay.

However, this will probably not be an option for every employee, as some may be keeping their annual leave for another occasion, such as a family holiday.

If you insist that your employees take absence due to bad weather as annual leave, then you must observe the minimum statutory notice period or risk being in breach of employee rights.



**Q** If the weather is bad, do I have any options if I need my employees to work?

**A.** If the journey to work is too hazardous, then the simplest option is to see if your employees can complete their work at home and you will probably find that many will be willing to do this.

Keep in mind that such a request may not be enforceable unless this requirement is part of your employees’ contracts. You cannot change this without a prior consultation with the affected employees, as it constitutes a unilateral variation of contracts of employment.

Another point to consider is the health and safety implications of working at home. It is probable that not all employees will be able to safely turn their homes into a temporary workplace.

**Q** Are employees with children at nurseries and schools closed due to poor weather entitled to time off to care for their children?

**A.** The statutory right for employees to have a reasonable period of unpaid leave to care for dependants covers this occurrence, as this includes temporary and unexpected disruption to the usual care arrangements, such as school and nursery closure due to bad weather.

If this happens, your employees must inform you at the earliest possible opportunity stating the reason and likely length of their absence.

**Q** Do I have to pay my employees if I have decided to close the workplace during bad weather?

**A.** It is likely that you will have to pay your employees if you are the one who has decided to close the workplace. If your staff have chosen to and are able to work from home, then you should pay them as normal.

However, even if they are not able to work from home, then the likelihood is that you should probably still pay them. As the decision to close the workplace was yours, this is a period of lay-off.

Unless there is the provision for unpaid lay-offs written into their contracts, normal wages for the winter work apply.

# News ROUND UP

# November 2018



**Asbestos Found in Bunsen Burner Gauze Mats**  
 The HSE has become aware of two suppliers of scientific equipment that have supplied mesh gauzes with asbestos-containing centres. The material on the gauzes is used for its heat-resistant properties. Although steps have been taken to prevent further supply, thousands of pupils and school staff could have been exposed to it.



**Health and Safety Game-Based Tool is Launched**  
 EEF has launched a brand new game in which players must learn to manage health and safety risks within a simulated work environment. According to developers, departments and individuals will be able to compete against each other to have the best risk assessment and health and safety awareness.



**Tile Showroom Fined as Sink Falls on Child**  
 A tile retailer in Preston has pleaded guilty to two health and safety offences when a vanity unit and ceramic sink which was on display to customers fell on top of a five year old girl, breaking her foot. The Family firm Tilemart has been fined £36,000 after it was found the 30kg display had been stuck to the wall with a silicon or glue substance, without bolts.

**“Get a Grip” on Ladder Safety**  
 The Ladder Association have put together a FREE Ladder Safety Pack providing vital information you need on the recent changes to EN131, the safe use and inspection of ladders and the importance of ladder safety training. Go to [www.ladderassociation.org.uk/get-a-grip](http://www.ladderassociation.org.uk/get-a-grip)



**Atomic Weapons Establishment**  
 The Atomic Weapons Establishment (AWE) in Berkshire has admitted failing to ensure the safety of staff. The site makes Britain's Trident nuclear warheads and stores nuclear waste from Royal Navy submarines. In June 2017, an electrician suffered burns to his arms while carrying out routine testing. AWE will be sentenced on 9th November.



**Mincing Machine Mutilated Workers Hand**  
 A Birmingham supermarket operator has been fined £36,000 after an employee lost four of his fingers when his hand was drawn into an unguarded meat mincing machine. The company pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act.



**London Zoo Safety Breach**  
 A keeper at London Zoo fell from a faulty step ladder that was wrongly retrieved from a skip. The employee suffered neck injuries in the accident while removing droppings from a hawk aviary. The Zoological Society of London admitted to two health and safety breaches - the judge halved the fine to £40,000 with £8,000 costs because of the charitable nature of the organisation.

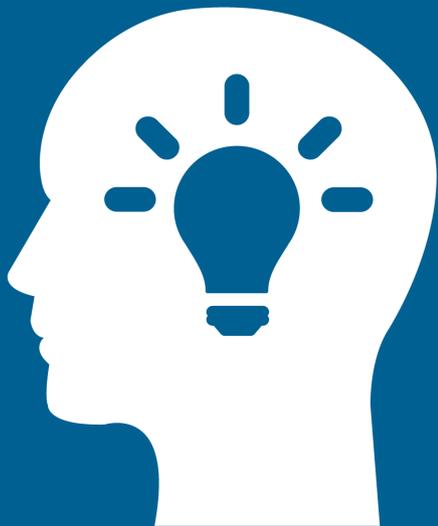
**1 in 3 Afraid of Reporting Workplace Injuries**  
 A survey conducted by law firm Percy Hughes and Roberts of 650 employees has revealed that 38% of respondents involved in a workplace accident did not report it because they were concerned their employer would be angry, or that they did not believe anything would be done as a result.



**Scottish Gas Chemical Incident**  
 A full evacuation of the Scottish Gas premises in Edinburgh was ordered in September after a number of staff complained of headaches and illness. Three people were taken to hospital and ten others required medical treatment. An investigation is underway to establish the cause of the incident.



**New Research on E-cigarettes**  
 New research from the University of Birmingham highlights that e-cigarettes are implicated in serious health concerns. The fluid used in e-cigarettes is thought to kill cells in the lungs and damage the immune system. Professor David Thickett added “They are safer in terms of cancer risk. But if you vape for 20 or 30 years and this can cause COPD, then that’s something we need to know about.”



## Knowledge Centre: Help & Advice

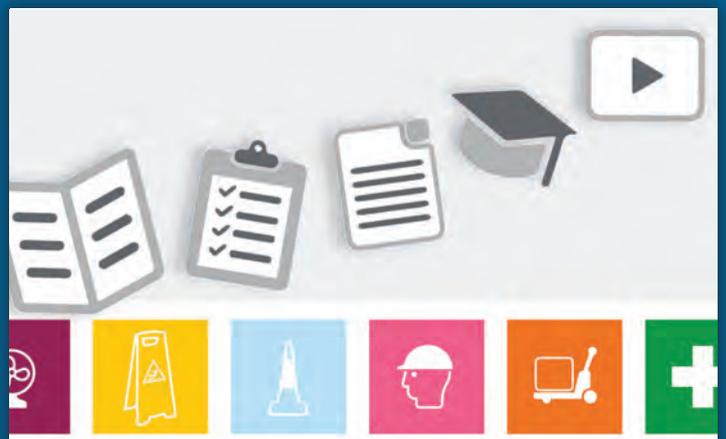
Vital information on health and safety legislation, detailed product guides and the latest hot topics and industry news.



### **Legislation**WATCH

#### Helping you comply with legislation

- Browse hundreds of articles on current, new and pending legislation
- Download our popular Legislation Watch magazines



### **PRODUCT GUIDES & TRAINING TOOLS**

#### Your free product guides and training resources

- Seton product guides
- Useful checklists
- Downloadable training presentations

# [seton.co.uk/knowledge-centre](http://seton.co.uk/knowledge-centre)

## Ask the expert...

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

Our team of IOSH accredited experts are here to help!

Simply go to [www.seton.co.uk/legislationwatch](http://www.seton.co.uk/legislationwatch)  
and click on 'Ask the Expert'

**Free  
service**

