

Legislation WATCH

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

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Letter FROM THE EDITOR



Dear Member,

Welcome to the latest edition of Legislation Watch. We've had some great feedback from you our members on the first edition, together with lots of questions to our IOSH Accredited Experts. Over the last few months we in the membership team have worked tirelessly to provide you with the solutions you require, to help ease your worries and save you time with regards to upcoming legislation.

We strive to provide you with a wide range of discussion topics and updates, and this edition is no exception, with more than 30 different topics covered. Topics include Competence in the Workplace, Confined Spaces, Workplace Traffic, Asbestos in Schools, the latest HSE First Aid Update and many more. You can rest assured that all the latest legislation and best practice is included. However, if you are still unsure then please ask us, our experts are always on hand to help.

We love hearing from our members, so if you have a burning question on any of the topics covered in this magazine, simply email our membership team in confidence at legislationwatch@seton.co.uk.

Don't forget if you recommend a colleague to Legislation Watch – we are offering 2 x £10 M&S vouchers (one for each of you) when they join the membership, just quote Gift Code Z1255.

Heidi Malcolm

Heidi Malcolm
Deputy Editor

P.S Look out for your next edition due in April 2013.

Legal UPDATE

CPS charges flower nursery with corporate manslaughter

January 2013

The Crown Prosecution Service (CPS) has confirmed that it has charged a flower nursery with corporate manslaughter in connection with the death of an employee from electric shock.

On 15 July 2010, Grzegorz Krystian Pieton was working at Belmont Nursery in Terrington St Clement. He died from electrocution when the metal hydraulic lift trailer he was towing touched an overhead power line.

Announcing the commencement of the case, Rene Barclay, Principal Crown Advocate in the Special Crime and Counter Terrorism division of the CPS, said prosecutors had concluded there was sufficient evidence to charge the flower nursery.

PS & JE Ward Ltd, trading as Belmont Nursery, has been charged with corporate manslaughter as well as failing to discharge a duty imposed by s.2(1) of the Health and Safety at Work, etc Act 1974, which covers the duty of the employer to ensure, so far as reasonably practicable, the health and safety of employees.

The company will appear at King's Lynn magistrates' court on 23 November 2012.

This is the fourth company the CPS has charged with corporate manslaughter since the introduction of the Corporate Manslaughter and Corporate Homicide Act 2007, which came into force in 2008.

In a statement issued through its solicitors, the

company said, "Belmont Nursery has worked closely with police, the HSE and other agencies investigating the incident at the nursery. As formal legal proceedings are now under way it would be inappropriate for us to comment on any aspect of the case at this time. Everyone at Belmont Nursery remains profoundly saddened by the death of Mr Pieton, and his family have been, and are constantly, in our thoughts."



Concerns over occupational health cuts

January 2013

A trade union that represents inspectors of the HSE and other specialist staff has expressed concern at the "deep cuts" it says is being made to ill health prevention at the safety watchdog.

A source at the union, Prospect, says that more than 2 million British people suffer some form of occupational ill health, with estimates of between 12,000 and 18,000 deaths a year as a result of exposure to workplace hazards.

Despite this, the union claims, its research indicates that for the first time there are now only 3 occupational physicians left in the HSE and 18 occupational health inspectors, down from 60 of each in the early 1990s.

Overall, Prospect predicts that an estimated 90% of the HSE's occupational health inspections will cease as a result of the planned changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

(RIDDOR) unless the exposure relates to a biological agent at the workplace.

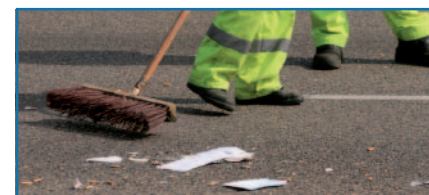
Commenting on the issue, Sue Ferns, Head of Research at the union, said, "These cuts are occurring just as the Government proposes to emasculate employers' obligation to report occupational health absences from diseases such as mesothelioma, skin cancer, carpal tunnel syndrome and repetitive strain injury under RIDDOR."

She added, "That would remove the bulk of the intelligence guiding the work of hygiene and occupational health inspectors, and deprive lay health and safety representatives of information essential for them to monitor workplace health."

The union also claims that HSE's Corporate Medical Unit is "so depleted" that it can no longer provide basic cover on occupational health

advice and prevention, or provide a leadership role to the occupational health community.

The Chief Executive of the HSE has spoke out to defend the safety watchdog against the criticism that workers are being exposed to exposed to health risks because of "savage" cuts in the numbers of inspectors at the HSE.



Call for sharps laws to cover all workers

January 2013

The Institution of Occupational Safety and Health (IOSH) has called on law makers to protect people in all professions from the risks associated with sharps.

The safety body was responding to a recent consultation by the HSE on proposed regulations to implement the Sharp Instruments in Healthcare Directive (2010/32/EU).

However, IOSH warned the regulator against excluding non-medical workers from the regulations that will govern sharps and are now under review.

In the past, unions have expressed concern for workers who face the daily risk of injury from discarded needles, noting that such jobs included health and social care jobs but also street cleaning, refuse collection, gardening and general cleaning and caretaking, for example.

The EU Directive focuses on the healthcare sector, including contractors.

Injuries to workers from needles, scalpel blades and other sharp instruments could expose them to blood-borne viruses and serious diseases, such as HIV/AIDS and Hepatitis C, as the instruments can be contaminated with patients' blood or other bodily fluids.

IOSH says that although there is no reliable injury data on this issue, it has been estimated that annually there may be as many as 100,000 sharps injuries in the UK.

The safety body also pointed out that it is possible to change to safer practices by identifying procedures that do not require sharps use at all, using alternative "needleless" medical equipment or equipment that incorporates protection.

Report slams failures of REACH

January 2013

A group of environmental organisations has slammed the role of the European Chemicals Agency (ECHA) in the implementation of the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regime, claiming that the scheme is largely failing.

The new report, by the European Environmental Bureau (EEB) and ClientEarth, says that six years after the adoption of REACH, the chemicals industry has "largely failed to provide the necessary data to make REACH work".

Furthermore, the report claims that ECHA has "not only allowed them to do this uncontested, but has also used its resources to keep the public in the dark about it".

The publication warns that chemical safety is being "undermined" by the watchdog's failures to enforce the rules of REACH.

The environmental organisations say that a registration audit undertaken by the NGOs

between the end of 2011 and mid-March 2012 found "fundamental flaws with the vast majority of substances which have been registered under REACH".

Co-author of the report Christian Schaible said, "REACH is based on two key legal principles - 'no data, no market' and 'one substance, one registration'. However, our research found that both of these are routinely ignored in the registration of substances."

The report also claims that the Agency is "shrouded in a culture of secrecy, under pressure from the chemicals industry which claims 'business confidentiality' as a means to prevent important information being released".

In response, a source at ECHA said, "The report contains a number of critical statements, many of which are based on misunderstandings which could have been corrected had we had the opportunity to comment beforehand."



Get Competent!

An often heard but seldom understood word is “competence”. Asking someone at work whether they are competent is likely to raise eyebrows but in health and safety circles competence carries a very specific meaning. Here we examine what health and safety professionals mean by competence, the legal requirements and how to improve competence in your organisation.

What is ‘Competence’?

The Oxford English Dictionary defines “competent” as “being adequately qualified or capable and effective”. This practical definition is borne out by regulation 7(5) of the Management of Health and Safety at Work Regulations 1999 (Management Regulations), which states that a person is deemed to be competent if he or she has an adequate combination of training and experience or knowledge.

However, the definition of competence also includes the qualities that the person needs in order to adequately fulfil the tasks required as part of the function in which he or she is competent. This gives 3 aspects to competence:

1. The knowledge of the subject.
2. The experience to apply that knowledge correctly.
3. The personal qualities to undertake the functions effectively.

Competence is a combination of appropriate practical and theoretical knowledge and the ability to apply that knowledge in a work situation. The degree of competence for performing or supervising a particular task must be proportional to the complexity of the task and the associated risks. For example, a person assembling and erecting a tower or scaffold would need to have a higher level of competence than a person using it.

A competent person should be capable of:

- Undertaking the specified activity safely, at his or her level of responsibility.
- Understanding the potential risks related to the activity that he or she is to carry out.
- Detecting and reporting any defects or omissions.
- Recognising any implications for the health and safety of himself or herself and others.
- Specifying appropriate remedial actions that may be required.
- Refusing to do a particular task if the potential risk is assessed as too great.

The Need for Competence

A number of Health and Safety Regulations specify the need for competence but the main duty placed on employers is by the Health and Safety at Work, etc Act 1974 (HSWA) to ensure the “health, safety and welfare of those affected by their work activities”. An important aspect of this duty is indicated in the Health and Safety Executive (HSE) guidance HSG65 Successful Health and Safety Management as “competence”. From a health and safety management viewpoint, competence concerns:

- The competence of the workforce in carrying out its functions.
- The competence of the person charged with the duty of advising on health and safety matters.

Furthermore Regulation 7(1) of the Management Regulations requires that “every employer shall... appoint one or more competent persons to

assist him in undertaking the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions”. This assistance can be in the form of in-house health and safety competent persons or an external source such as a Health and Safety Consultant.

Other common Health and Safety Regulations that specify the need for competence include:

- Construction (Design and Management) Regulations 2007
- Control of Asbestos Regulations 2012
- Control of Pesticides Regulations 1986
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Electricity at Work Regulations 1989
- Gas Safety (Installation and Use) Regulations 1998
- Lifting Operations and Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998

Case Study

In January 2012 a Bury firm was fined £40,000 after a HGV driver was left unable to walk when he was crushed by metal tubes falling off a crane. The driver, from Manchester, suffered severe injuries in the accident.

The Health and Safety Executive (HSE) found that the firm, which pleaded guilty, had failed to maintain the crane and had also failed to ensure that the driver was competent to unload the tubes. As well as the £40,000 fine, the company

Competence in Practice

The 3 aspects of competence discussed earlier (knowledge, experience and personal qualities) each have different forms of measurement and can be expanded in different ways.

Knowledge

Knowledge is most often measured by an examination. This is normally accredited through professional or national qualification schemes, e.g. City and Guilds, National Vocational Qualifications (NVQs) or Scottish National Vocational Qualifications (SNVQs).

The most basic level of competence can be obtained from courses aimed at managers with some Health and Safety responsibility, e.g. Institution of Occupational Safety and Health (IOSH) Managing Safety and the British Safety Council (BSC) level 1 Certificate in Health and Safety at Work.

The lowest acceptable standard and indication of competence for someone acting as a Health and Safety Advisor is the National Examination Board in Occupational Safety and Health (NEBOSH) general certificate or the British Safety Council Certificate in Occupational Safety and Health.

The highest levels of competence are indicated by the possession of a NEBOSH level 2 diploma or BSc or MSc in occupation health and safety. This will usually be further confirmed by chartered membership of IOSH (CMIOSH or CFIOSH).

Occupational training is a reasonable means of ensuring that a person has the required level of knowledge however this is likely to be valid only if the instructor has all the required knowledge, is able to pass this knowledge on and has the time to do so properly.

Knowledge may be refreshed or increased by attending training courses or workshops. Another effective method is to prepare and present a training course.



See page 26 for an article on Competence Training Focus

Experience

Experience is difficult to measure objectively so it is often measured subjectively by observation and by past involvement in similar activities. The person's supervisor or manager should be able to assess the person's experience by general observation and by the quality of the work. This, however, relies on the presence of the supervisor or manager and his or her ability to identify the strengths and weaknesses in the experience of the person concerned.

Experience can be extended by undertaking tasks that are not usually performed. Examples include a safety engineer undertaking a health awareness promotion campaign and an occupational health practitioner undertaking a machinery inspection.

A particularly good way of widening the experience of the competent person is to encourage secondments or temporary transfers to a different work area. The benefits can often outweigh the short-term problems that this temporary transfer can bring by giving the competent person a wider range of experiences.

Personal Qualities

Personal qualities can strongly affect the safety and quality of a person's task or function. The main areas of personality affecting these qualities are motivation, perception and attitude.

- Motivation is the person's reason for undertaking a function. The degree of motivation has a direct effect on how he or she functions; this can include varying degrees of positive or negative influence on how he or she approaches a task.
- Perception is the way that a person views or understands his or her work and environment. Errors frequently occur when perceptions are incorrect or ill informed.
- Attitude is the way that a person will react to a given situation. A person's attitude will have a direct effect on quality and the safety of the tasks he or she undertakes. Again, this can be positive or negative.

As with experience, these qualities may be measured by the supervisor's or manager's observations in performance appraisals.

The issue of developing any employee's personal qualities is most often addressed across an organisation through the human resources department. This can be achieved through a number of means, but the most common is by encouragement through effective personal appraisal systems.

Summary

There are distinct legal requirements for employers to provide competent persons for health and safety. The level of competence (in terms of knowledge, experience and personal qualities) should be balanced against the level of risk in the work being carried out.

A completely new direction



Skipper is the unique way to cordon off any area, creating safer environments with high visibility retractable 9m tape. Skipper simply clicks on top of most traffic cones or its own unique Post & Base System. Skipper saves you time, storage space and money, paying for itself in months over throw away barrier tape. It really is the total safety management solution.

A traffic cone with a twist

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WORKPLACE TRAFFIC SYSTEMS

Overview

Workplace traffic is an important subject, not least because it is easy to develop an existing system, as needs change, without ever fully appreciating the consequences. It is rare, except for new workplaces, that the traffic routes have been designed with all of the necessary risk controls in place to ensure that vehicles and pedestrians in a workplace are capable of using them safely and efficiently.

When designing traffic system layouts, there are a number of aspects that need to be considered to ensure that traffic flows can be undertaken efficiently, with minimum disturbance and controlled adequately to ensure safe operation.

Siting

Traffic routes must be sited in such a way as to minimise potential interaction between pedestrians and vehicles. They must also be designed to ensure that they take into account the needs of users with disabilities, i.e. those with mobility or sight impairments.

Purpose of Traffic Routes

Although it may seem obvious, it is important to determine the expected purpose of the traffic route as they may sometimes be used in unexpected ways e.g. short cuts or as temporary loading or storage areas.

In general, it will be sufficient to know whether pedestrians, vehicles or both will use the traffic route. If it is used by both pedestrians and vehicles, it is then necessary to determine if the two are intended to interact - e.g. during loading and unloading - or if more care is required to separate them. At times of high pedestrian traffic, it may be necessary to prohibit any vehicle movement in particular areas, as it is highly likely that crowds will overflow from footpaths onto roadways.

Volume of Traffic

An effective traffic system layout should always take into account the expected volume of traffic that the route will need to support, including the normal traffic load

and expected variations e.g. rush hour or set delivery times.

Emergency situations should also be considered e.g. ease of access for emergency vehicles and alternative routes should not be blocked.

Crossing Points

Wherever any two (or more) traffic routes intersect, there is the potential for collisions so it is important to design any crossing points to have the maximum visibility.

Where crossing points are necessary, they should be suitably marked and signed, with barriers in place to prevent crossing at dangerous points in the vehicular roadway. In some areas, the use of mirrors at blind corners can help.

If any blind corners exist at crossing points such as at entrances to buildings then warning signs and the use of audible indications (such as horns) must be used to control the risk of collisions.

It is important to ensure that pedestrians do not step out into the path of vehicular traffic. To prevent this, a suitable gap of at least one metre should be placed between the entrance or exit and the vehicular traffic route, providing pedestrians with an adequate view to see oncoming traffic. Where this is not possible, a barrier can be used to prevent pedestrians from stepping out directly into the path of traffic.

Areas of High Activity

Areas of high traffic activity, such as loading and unloading areas must have special consideration given to them, particularly if pedestrians are necessary as part of the operation.

Where pedestrians must work in the same area, the use of high-visibility clothing will assist in their safety. In addition, pedestrians not working in the area - particularly if they are not aware of any dangers - will also be at risk to themselves and to the drivers of the vehicles, and should be prohibited.

In areas where it is likely that vehicles will be reversing into bays, it is necessary to make provisions to prevent people being trapped and crushed behind the vehicle, e.g. an alcove or refuge, large enough for the person but small enough to prevent the vehicle coming into contact with them.

Protection of Vulnerable Items

In many premises there are likely to be items that would cause a significantly high level of danger if they were struck or damaged by vehicles e.g. storage tanks, pressurised cylinders and flammable stores. It is important that, if traffic routes cannot be laid out to avoid these areas, these vulnerable items are adequately protected from impact, or steps are taken to mitigate any consequences, such as adequate bunding.

Traffic Control Systems

Suitable traffic control systems should be in place to minimise the likelihood of collisions or unwanted interaction between vehicles and pedestrians. Where there are areas on narrow roads (such that two vehicles cannot pass safely or there is a greater possibility of pedestrian presence), one-way systems should be implemented, or traffic management systems - such as traffic lights or passing places - must be provided.

Throughout the premises, suitable and sensible speed limits should be applied. If these change, there must be adequate signage, with the possible use of roadway markings to warn drivers.

Traffic calming systems, such as chicanes or speed humps, can be particularly successful to ensure the enforcement of speed limits. However, it is important to consider the danger to laden vehicles such as fork-lift trucks or manual handling trolleys, which may not be able to negotiate speed humps without shedding their loads.

Any traffic control system (including routes, hazards and restrictions) must be adequately signed or marked to ensure that drivers are aware of their presence. Areas segregated for pedestrians or protected areas should also be clearly marked to ensure that drivers are aware of and respect them.

Obstructions and Overhead Clearance

Traffic routes - both vehicular and pedestrian - must be kept clear of obstructions of any kind. In particular, there should be sufficient headroom for expected vehicles to pass safely through. In any cases where the headroom is restricted (taking into account possible use by emergency vehicles) this must be clearly marked. Where overhead obstructions are of a hazardous nature - such as steam or high pressure pipes or those carrying hazardous or flammable materials - they should be adequately protected from possible impact and damage.



Environmental Management

IS IT WORTH IT?

This article will look at some essential business considerations, namely:

"Will implementing environmental measures cost too much? Are there any substantial returns on initial investments? Why spend money and resources on environmental management?"

Fines and Prosecutions

It is important to be aware of the wide-ranging powers of the enforcement authorities. For example, the Environment Agency can:

- Issue enforcement notices, like prohibition notices (if there is an imminent risk of serious environmental damage),
- Suspend or revoke environmental permits and licences,
- Serve injunctions,
- Carry out remedial works (then recover the full costs incurred from those responsible),
- Prosecute and fine (both in Criminal and Civil law).

So if businesses do not take appropriate action to protect the environment or do not comply with regulations that prevent pollution, the above powers will be used. The powers will be used to stop businesses offending, make them restore/remediate any damage, bring activities under regulatory control and punish/deter.

Fines and Prosecutions in 2008 - Case Study 1

There were 722 cases against companies and individuals for environmental offences, resulting in fines and costs of £5.3 million. The average fine against companies was £10,080.

Two of the biggest company fines were £225,000 for breaching packaging waste regulations and £150,000 for illegal discharging from sewage treatment works.

Two individuals pleaded guilty to dumping nearly 15,000 tonnes of rubbish and received sentences of 22 months and 14 months. Another individual was jailed for a total of 32 months after being found guilty of dumping 85 tonnes of waste.

Asda Case - Study 2

Launched in 2012, Asda's Sustain & Save Exchange scheme has saved £13 million over the past year. The scheme enables Asda suppliers to share knowledge and innovations in energy, waste and water efficiency via an online portal. Since 2005, Asda claims to have saved more than £80 million from efforts to minimise the environmental impact of its operations.

Waste - Case Study 3

Savings are possible at any stage. For example, starting at the design stage, a new healthcare centre in Scotland with an initial cost of £28,000 to introduce the waste reduction plan achieved:

- £90,100 quantified net savings,
- 900 tonnes of waste avoided and
- 97% of waste diverted from landfill

Energy - Case Study 4

The Carbon Trust and Heinz improved the efficiency of a sterilising process, by halving the steam used. Heinz invested further on steam trap maintenance and repair. This saw a tenfold return on the investment through the resultant energy savings.

Environmental Management System (EMS)

An EMS can be certified to Standards such as ISO 14001 and the EU Eco-Management Audit Scheme (EMAS).

A Department of Environment Food and Rural Affairs (Defra) study showed that two thirds of businesses surveyed either increased sales, or expected to do so, since implementing an EMS. An average value of £14,961 per £1m turnover in the year following certification was quoted. This suggested a payback period of 1 month for the new business sales alone versus EMS costs.

Also cost savings were delivered for the majority of the businesses with certified EMSs with an annual average saving over 2 years of £4,875 per £1m turnover. The costs of certifying and implementing the EMS were calculated at £1,362 per £1m turnover (annual average over 2 years), suggesting a payback period of 3 months for the cost savings.

EMS Case Studies

There were some excellent examples from the DEFRA study on the benefits of implementing ISO 14001 as shown below: An independent distributor achieved:

- 86% waste recycling rate reducing the company's waste disposal costs by 37%.
- 38% reduction in company mileage changing to cleaner vehicles, fitting GPRS trackers to company vehicles and providing staff with eco-driver training. The distance travelled for business per £1m of turnover was reduced by 38% after 2 years, representing an annual saving of 22,685 km per £1m.
- 42% reduction in energy focusing on savings measures such as energy efficient lighting, sensors to control lighting usage, timers for energy consuming appliances and installing a heat pump air conditioning system.
- 25% of turnover attributed to EMS
- Improved sustainability of product range which helped engage customers in making more sustainable choices.

A brick manufacturer implemented ISO 14001 in less than 12 months and achieved the following key successes:

- Annual energy savings of over 10 million kWh (over 2 million kWh per £1m turnover).
- Reduced annual waste by two-thirds over 2 years.
- Annual operational cost savings of over £25,000.
- Better legal compliance and improved relationships with stakeholders.
- Substantial cultural change.

A plant propagation nursery was able to achieve:

- Annual energy savings of 591,458 kWh after 4 years.
- Major infrastructure improvement like reservoir and run-off collection systems installed which supply all irrigation water.
- Annual operational cost savings of £41,000.
- Reduced waste to landfill by 82% in 4 years.
- Pioneering sustainability within horticulture.

A packaging company made:

- Improvements to fuel efficiency and business travel.
- 41% reduction in packaging material weight.
- 59% reduction in landfill waste.
- Annual energy savings of over 36,000 kWh (>3,000 kWh per £1m turnover) - a 47% saving.

Summary and Conclusion

There is strong evidence of tangible benefits from environmental management and management systems.

With the correct approach, strategy, commitment from senior staff, cooperation and buy-in from employees and competent internal and external assistance it is worthwhile to combine good environmental practices with normal working methods.

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TOP TEN TIPS FOR Safe Work at Height

Working at height can be one of the more dangerous occupations if not managed properly. Even a fall from a relatively small height can lead to serious injuries.

In the year 2011/2012 falls from height accounted for nearly a quarter of fatal injuries to workers reported to HSE with 62 fatalities, significantly more than any other kind of accident. More than six in ten of all fatal falls took place in construction (25 out of 40 fatal fall injuries). Furthermore falls from height accounted for 3067 major injuries.

As such it is no surprise the HSE regularly includes working at height in their inspection regimes, especially in the construction industry. For instance in August 2012 HSE conducted an inspection campaign of scaffolding throughout the West Midlands, Worcestershire and Warwickshire, looking at whether jobs that involve working at height have been properly planned

to ensure that adequate safety measures are in place and that equipment is correctly installed, inspected, maintained and used.

With a measure of competence, good planning and proactive safety management employees can work at height safely. Here are our top ten tips to safe working at height:

1. Identify all working at height activities undertaken by employees and others such as contractors within your business.
2. Make an initial assessment of all these working at height activities to determine if there is a risk of injury to those who:
 - are working at height
 - may be affected by those working at height (e.g. potential to be struck by falling objects).
3. Remove the need for working at height activities wherever possible.
4. Where work at height cannot be avoided, undertake a full risk assessment of those remaining activities that have a significant level of risk.
5. Consider possible control measures based upon the hierarchy to minimise the risk as far as reasonably practicable. Consult widely on proposed control measures.
6. Implement the necessary control measures.
7. Develop and implement a monitoring and maintenance strategy (i.e. how will you check to see that the control measures are being used and maintained?)
8. Make sure you keep a record.
9. Review all assessments regularly and particularly if there is any change in personnel or work at height operations, or if an accident or injury occurs.
10. Ensure that you have a policy covering working at height and that it is communicated to everyone who might reasonably need to know. This will always include your employees and will also include contractors and co-occupiers where applicable.



Asbestos A Statistical Concern IN SCHOOLS

There has recently been considerable media interest on the subject of asbestos in schools, primarily as a result of an investigation by BBC Wales . During the investigation the BBC carried out a survey of local authorities and found 1,514 schools in Wales - approximately 85% of the total - contained asbestos.

Teacher and parent groups are understandably concerned about this statistic. The carcinogenic (cancer-causing) properties of asbestos are widely known; thousands of workers are known to suffer and die each year from asbestos-related disease.

What are the risks?

Asbestos is a generic term for a group of fibrous minerals, the most commonly used types of which are chrysotile (white asbestos), amosite (brown asbestos) and crocidolite (blue asbestos). The long, thin fibres give asbestos an extremely high tensile strength and excellent chemical, electrical and heat resistance properties which made it extremely popular in the past as a building and insulation material.

However exposure to airborne asbestos fibres can cause a type of lung cancer known as mesothelioma, which can take up to 30 years to develop. According to the Health Protection Agency (HPA), if children are exposed to asbestos by inhalation they "may develop lung cancer or mesothelioma at a younger age than when exposure occurs in adults".

Many buildings constructed before the 1990s contain asbestos which can be found in pipe lagging, roof tiles, roof/column coatings, insulating boards, floor tiles and even decorative coatings such as Artex. In most cases asbestos is perfectly safe providing it is suitably controlled, e.g. by using a spray-applied solution to encapsulate it.

Legal Requirements

Duty holders have a legal obligation to manage the risk from asbestos in non-domestic premises. Duty holders include those responsible for the maintenance and/or repair of non-domestic premises; this includes the owners of such premises, whether they are occupied or vacant.

The aim is to protect workers who may come across asbestos in the course of their day-to-day activities, since the major problem facing these workers is that they often do not know where and when the material may be encountered.

"The Health and Safety Executive (HSE) Approved Code of Practice (ACOP) L127: The Management of Asbestos in Non-domestic Premises" explains the duties of building owners, tenants and any other parties who have any legal responsibility for the work premises. It also sets out what is required of people who have a responsibility to co-operate with the main duty holder.

Conclusion

Asbestos, managed properly, is not a significant hazard. However if it is damaged either intentionally or by accident and fibres become airborne then there may be a serious health risk to teachers, pupils and others.

As with most Health and Safety issues, awareness and knowledge are key so it is vitally important that duty holders a) know and understand their legal duties, b) ensure that they fully comply with their duties and c) get help if they do not understand.

<http://www.bbc.co.uk/news/uk-wales-20131119>
www.hse.gov.uk/statistics/causdis/asbestos.htm
www.hpa.org.uk/Topics/ChemicalsAndPoisons/CompendiumOfChemicalHazards/Asbestos/



IDENTIFYING Confined Space HAZARDS

Legislation

In addition to the normal duty of care imposed by the Health and Safety at Work etc. Act 1974, the Confined Spaces Regulations 1997 cover work in confined spaces. The Regulations define a confined space as any chamber, tank, silo, pit, trench, pipe, sewer, flue or other similar space that are mostly enclosed, although some are not entirely enclosed (e.g. trenches, which are open at the top).

Confined spaces can pose significant risks for all those who enter them. Consequently, employers have a strict legal duty to ensure the safety of all those who enter a confined space.

The Confined Spaces Regulations 1997 require employers to:

- Prohibit entry and work in confined spaces, unless it is not reasonably practicable for the work to be carried out from outside of the space, or if the work cannot be avoided.
- Ensure that the safe system of work controls "reasonably foreseeable risks"; this includes:
 - injury from fire or explosion;
 - loss of consciousness arising from excessive heat, gas, fume, vapour, or lack of oxygen
 - drowning arising from an increase in the level of a liquid
 - asphyxiation, as a result of a free-flowing solid
 - entrapment preventing access to a respirable environment.

- Ensure that, in the event of an emergency, suitable and sufficient arrangements are in place for the rescue of persons working in a confined space (these arrangements must include measures to control the risks to those putting the rescue operation into place and the means to effect resuscitation, where necessary).

Identifying Confined Space Hazards

In any confined space there are a range and combination of potential hazards that a worker could be exposed to, which can include:

- Restricted movement, leading to trapping or the inability to get out of danger quickly.
- The surface the worker is walking on being:
 - a fragile crust that could break causing the worker to fall into the contents below
 - slippery, causing the worker to slip or fall
 - poorly lit, causing the worker to trip
- A lack of oxygen caused by:
 - inadequate ventilation
 - reaction of cleaning or degreasing chemicals
 - the presence of oxygen depleting gases
- Fire and/or explosion caused by the build-up of flammable gases, vapours or excess oxygen by solvents, adhesives or dusts in high concentrations.
- Biological hazards from:
 - decaying human or animal waste products
 - rats carrying Leptospirosis (Weils Disease)
 - insects
- Extremes of temperature leading to a dangerous increase or decrease in body

temperature (hyperthermia or hypothermia).

- Liquids or free-flowing solids suddenly filling the space and trapping or asphyxiating the worker
- Poisonous gases, fumes or vapours entering, or created in, the confined space from:
 - residues in tanks and vessels
 - a build-up in sewers
 - connecting pipes
 - leaks in walls or pipes
 - the by-products of welding, soldering and brazing processes and from chemical reactions of cleaning materials
 - the decomposition of the contents or contaminants introduced by the work
- Inadequate isolation of supplies and moving equipment.
- Hazards introduced by the use of unsuitable tools and machinery required for the work.
- Psychological and physiological effects of working in a confined space.

Case Study

Cotswold Geotechnical Holdings was the first company convicted of corporate manslaughter after a 27-year-old employee died in September 2008. He was a trainee geologist and was investigating soil conditions in a deep trench on a development plot when it collapsed and killed him.

He was left working alone in the 3.5m deep trench to finish-up, when the company director left for the day. The two people who owned the development plot decided to stay at the site, as they knew the geologist was working alone in the trench. About 15 minutes later they heard a muffled noise and then a shout for help. While one of the plot-owners called the emergency services, the other ran to the trench, where he saw that a surge of soil had fallen in and buried the geologist up to his head. He climbed into the trench and removed some of the soil. But, at that point, more earth fell so quickly into the pit that it covered the buried man who died of traumatic asphyxiation.

The prosecution's case was that the company's systems had failed to take all reasonably practicable steps to protect the employee. In convicting the company, the jury found that the company's system of work in digging trial pits was wholly and unnecessarily dangerous. The company ignored well-recognised industry guidance that prohibited entry into excavations more than 1.2m deep, requiring junior employees to enter into and work in unsupported trial pits, typically from 2m to 3.5m deep. Cotswold Geotechnical Holdings was sentenced and fined the sum of £385,000. Although the fine was less than the starting point of £500,000 recommended by the Sentencing Council, it was hoped that it would be a deterrent to smaller companies in particular.

Training TOOLS

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A Guide to Confined Spaces

A confined space is any place, which, because of its enclosed nature, presents hazards not normally seen in an open workplace. It could be an enormous space (i.e. a freight container), or even a normal workroom could also become a confined space, if there is little ventilation and hazardous substances are present.

Entry into confined spaces is extremely hazardous. On average, 15 people die each year in confined spaces as a result of such things as: lack of oxygen, poisonous gases, fumes, vapours, fire, explosions and excessive heat.

One of the more tragic consequences of accidents in confined spaces is the number of people who die trying to rescue colleagues, falling victim to the conditions they are trying to rescue their colleagues from.

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AIDS TO PREVENT Work-Related Upper Limb Disorders (WRULDs)

The Health and Safety Executive (HSE) has published a new research report on the use of mechanical aids and automation for reducing the risks of repetitive handling tasks involving the upper limbs, in order to prevent work-related upper limb disorders (WRULDs). WRULDs is a collective term for a number of physical conditions, such as carpal tunnel syndrome, tenosynovitis and tendinitis.

The aim of the research was to provide practical examples of risk control measures used in industry.

The report points out that limited relevant information is currently available on the use of automation and mechanisation as a control measure to reduce the risk of upper limb disorders.

Therefore, the report sets out 14 case studies, with the majority relevant in a variety of manufacturing settings. For most of the case studies, a “before” and “after” scenario is provided, where the task was previously manually performed and has since been automated.

The case studies illustrate how a variety of machines have been used in industry, e.g. in sealing boxes, packing sausages and fish filleting.

The report concludes that:

- The equipment shown in the case studies within the report could be used in a variety of situations and discussions with manufacturers could help to develop bespoke solutions for organisations to reduce the risk of WRULDs.



- Industry needs to carefully consider the use of mechanisation and automation - the introduction of automated systems may have unforeseen results and worker consultation is always recommended.

- Organisations should reassess risks following implementation of automation or mechanisation, e.g. to ensure that new risks have not been introduced.

RR939: An Investigation into Mechanical Aids and Automation for Reducing the Risks of Repetitive Handling Tasks involving the Upper Limbs can be accessed on the HSE website.

Controlling WRULDs Standing

Where the hazard relates to the operator having to stand, there are usually three means of control (assuming that it is not possible to remove the need to do the task standing). These are as follows:

1. Job rotation, which will not remove the hazard but will reduce the risk.
2. The provision of a height-adjustable operator chair, or some other means of supporting the body (especially the back).
3. Redesigning the workstation or area to remove the need to stoop, reach, lean or stretch.

Sitting

Assuming there are no problems caused by poor positioning of the work (e.g. twisting to view a display screen), the main risks are from an inappropriate or improperly-adjusted chair.

These risks can be controlled by ensuring that the chair is properly adjustable and suited to

the user. Also, it is important to ensure that the operator knows how to adjust, and regularly re-adjust, the chair. Redesign of the work surface and area can be of great benefit. This should provide plenty of free space on the work surface and ensure that the operator avoids having the arms raised or twisted away from the trunk for extended periods.

Tools and Equipment

The principal risks in relation to tools and equipment are due to the need for excessive force and the use of the hands or other parts of the body in awkward positions. In many cases these awkward positions are not initially uncomfortable, but the effects tend to build up gradually over longer periods of time.

There are two main ways of controlling the risk. Firstly, reduce the level of force needed to undertake the task. Secondly, redesign the tools, particularly the grips to enable the user to adopt a more natural working position.

To reduce the force needed, a number of means can be employed. The most common are to make handles or levers longer to increase leverage, or to provide power assistance (such as the use of pneumatic tools) to remove the need for effort from the operator. However, it is important to bear in mind that the use of powered tools can bring their own problems, such as vibration and noise. These problems can, if care is not taken, negate the benefits obtained.

Lifting and Handling

It is important to investigate thoroughly any means possible to remove the need for operators to carry out manual handling tasks. For example, tasks that involve physical effort to lift, carry, move, push or pull any equipment, materials or other objects. However, it is important to be aware that this solution can bring problems of its own. For example, the use of conveyor belts to transport items may cause the operator to lose control of the speed of operation. Lifting aids, such as forklifts, carry additional risks if proper controls are not put in place.

If manual handling tasks cannot be avoided then a risk assessment must be conducted. This can identify aspects of the task, environment, equipment or work organisation that might be improved to reduce the risks. During risk assessments, it is also important to consider the person. There is a considerable variation between individuals in terms of their capacity to carry out manual handling tasks.

Next, employers should use the information from risk assessments to reduce the risks as much as possible. For example, this could involve changes to the way materials are delivered or stored. Alternatively, improvements to lighting or floor surfaces can make a big difference. Making allowances for rest breaks can also reduce the risks of injury when undertaking intensive manual handling tasks.

Additional controls to consider are instruction, information and training. Information on the load is important. Loads should be clearly labelled so that the weight and contents can be easily understood.



Managing Fire Risk

IN CATERING FACILITIES

Within catering facilities there can be many fire hazards, with cooking appliances accounting for 3.4% of all accidental fires in non-domestic premises in Great Britain in the period 2010/2011*, more than any other cause. Here we discuss basic fire safety management principles and look at typical fire hazards in catering workplaces.

Fire Safety Culture

A positive fire safety culture is essential to ensure that fire safety legislative requirements are met and adequate resources are committed to fire safety management. Management commitment to fire safety is essential to assist with achieving suitable fire safety standards in premises and in the maintenance of a staff culture of fire safety.

The first step to implementing a positive fire safety culture is the appointment of a Responsible Person who should ensure that an appropriate policy on fire safety is developed and implemented. The policy must be brought to the attention of appropriate persons.

It is not enough to simply have a policy in place, it must be implemented, therefore a fire safety strategy should be developed to ensure that the fire safety policy objectives are implemented.

Risk Assessment

A fire risk assessment process should be developed to identify the most significant risks as well as the control measures deemed necessary to control those risks. Legislation requires the responsible person to undertake a fire risk assessment, the intention being that in less complex premises this can be achieved by following government advice

and guidance. More complex premises will probably need to be assessed by a person who has comprehensive training or experience in fire risk assessment.

All cooking equipment can be deemed to be a potential source of ignition. This includes gas-fired equipment with a naked flame, deep fat fryers and electrical equipment such as toasters, griddles and even microwaves.

As well as producing heat as part of the cooking process, electrical equipment itself can create an ignition source. As an example, electric fan-motors can fail or overheat when covered in hardened grease.

There can also be an abundance of fuel sources within kitchen environments. These include quantities of oils and fats, food products, the gas supply to the facility and even deposits of fat or grime in or around equipment. As an example, it has been known for flames and sparks to ignite combustible deposits inside extraction system ducting and also inside ovens.

Air supplies can be increased in kitchen environments. It is common practice in many such facilities to leave doors open to improve natural ventilation, while mechanical ventilation systems may supply large quantities of fresh air.

Overheated and/or poorly maintained equipment, faulty electrical equipment or gas appliances usually cause outbreaks of fire. Direct contact with naked flames and human error (e.g. leaving on equipment at the cessation of work or leaving equipment unattended) can also be a major cause. However, the risk of fire can be increased by:

- lack of employee awareness of fire risks/misuse of equipment
- poor design of extraction systems
- insufficient cleaning of equipment
- lack of certainty over who is responsible for care and maintenance of equipment and plant where contractors are utilised
- poor housekeeping
- long hours and fatigue, as staff may be tempted to cut back on cleaning.

Communication

The responsible person must ensure that employees are provided with adequate safety training at the time when they are first employed and on their being exposed to new or increased risks. This training must include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard themselves and other "relevant persons" on the premises. This training must:

- be repeated periodically where appropriate
- be adapted to take account of any new or changed risks to the safety of the employees concerned
- be provided in a manner appropriate to the risk identified by the risk assessment
- take place during working hours.

Under UK fire safety legislation, the responsible person must ensure that the premises and any fire-related facilities, equipment and devices provided in respect of the premises are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair by a competent person. This requirement also extends to any facilities, equipment and devices provided for the use by or protection of firefighters.

Fire Inspection and Auditing

Fire safety inspections are a proactive means of monitoring certain elements of the fire safety management system, particularly relating to physical fire risk control measures that may have been adopted. A system of regular inspections should be developed for the premises, with this role being given to specific persons.

Auditing is a method of monitoring preventative and protective measures and

supports fire safety inspections and incident reporting by providing those responsible for fire safety with information on how effectively protective and preventative measures and the other components of the fire safety management system are being implemented. Again audits should be carried out by a competent person.

Document Keeping

Comprehensive documentation and records relating to all aspects of the fire safety management system should be maintained including, but not limited to:

- the testing and checking of escape routes and associated emergency exit devices
- the testing of fire-warning systems, including weekly alarm tests, maintenance by a competent person and recording of false alarms
- the testing and maintenance of emergency escape lighting systems, fire extinguishers, hose reels and fire blankets and other fire safety equipment
- the training of relevant people and fire evacuation drills
- the maintenance and audit of any systems that are provided to help the fire and rescue service.

*Source: Department for Communities and Local Government Report Fire Statistics Great Britain, 2010 - 2011

COMPANIES TOLD: “Improve management of Legionella”

The Health and Safety Executive (HSE) has told businesses they need to “do more to protect workers and members of the public from exposure to legionella”. The safety watchdog’s warning came just before news of the death of a patient as a result of Legionnaires’ disease following the latest outbreak in Stoke-on-Trent in Staffordshire.

Along with the warning, the HSE has issued a safety notice after identifying common failings in legionella control, based on a review of outbreaks of Legionnaires’ disease in Britain over the past ten years.

The HSE’s findings confirmed that cooling towers and evaporative condensers are the most common source of significant outbreaks, with 90% of outbreaks said to have stemmed from failure to recognise potential legionella problems or to adopt effective control measures.

The notice also stresses the need for “effective and consistent” monitoring of water quality and the importance of responsibilities being assigned to named individuals with proper management supervision.

The HSE and local authorities are currently said to be developing “a range of initiatives” to encourage better control of the legionella risks.

Commenting on the issue, Paul McDermott, the HSE’s legionella expert, said, “Our research has confirmed the importance of businesses following the well-established and readily available guidance. Through this safety notice we are reiterating what those responsible for the maintenance of water systems should be doing already.”

He added, “They have a responsibility to manage the risks they create to protect workers and the wider public. This is a reminder to them of what

the law expects. Failure to comply with the law means they may face legal sanctions, including in the most serious cases prosecution through the courts.”

Controlling the Risks

Here is a quick guide on how to implement a legionellosis control procedure:

- Check for water systems where airborne droplets may be formed both inside and outside buildings.
- If there are cooling towers or evaporative condensers on the premises, ensure that these have been notified to the Local Authority.
- Ensure that an assessment of the risk of legionellosis has been carried out by a suitably competent person.
- Identify hazards in the system, giving consideration to:
 - physical aspects
 - water storage conditions
 - water outlets
- If there is a significant assessed risk to health, draw up a written scheme for controlling the risk and appoint a senior person to take managerial control.
- If there is no significant risk to health, continue to review the risk assessment at suitable intervals and when changes to water systems are made.
- Ensure that regular maintenance and monitoring are undertaken.
- Set up a procedure to respond to suspected cases of Legionnaires’ disease.
- Ensure that any necessary training is provided for any specific tasks.
- Plan a record keeping system for all assessment, maintenance and monitoring carried out.

Case Study: Food Processing Factory

A butchery processing company was prosecuted in 2006 after two employees contracted Legionnaires’ disease at their premises in Preston. Significant levels of legionella were found to be present at three locations.



A risk assessment carried out in May 2001 set out that simple and periodic checks should be carried out on their domestic water system, and that the control measures should be monitored and reviewed. The company had failed to carry out these checks and were subsequently fined £25,000 and ordered to pay £20,000 costs.

Case Study: Hospital

An NHS Trust was prosecuted after unsafe levels of legionella were found in the water supply system for the showers, baths and sinks at their hospital in Liverpool. The Trust had failed to put suitable control measures in place and to take responsibility for overseeing the control of the bacteria and had stopped testing the water supply for legionella, despite high levels of the bacteria being found in May 2002.



This case was somewhat controversial as the court was unable to conclude whether two patients, who both contracted legionnaires’ disease before their deaths in early 2007,

were infected at the hospital or elsewhere. Nevertheless they were fined £35,000 and ordered to pay costs of £12,862.

COMPETENCE: Training Focus

Following on from the main competence feature article on pages 6-8, here we look in more detail at the various training routes to health and safety competence and some of the main qualifications available.

General Health and Safety

A number of organisations run 'entry level' health and safety training courses. Although general health and safety awareness training does not have to be conducted by an approved organisation it is important to check the trainer's credentials to ensure they themselves are competent to carry out the training.

Basic training courses can be provided by the examining organisation or by a third party such as a consultancy. Examples of general health and safety training include:

- The Institution of Occupational Safety and Health (IOSH) Managing Safely course, designed for managers and supervisors.
- The IOSH Working Safely, designed for workers
- National Examining Board for Occupational Safety and Health (NEBOSH) Awards.
- The Chartered Institute of Environmental Health (CIEH) Level 1 Award in Health and Safety in the Workplace.
- CIEH also provides qualifications in a number of other subjects such as fire safety, stress and more industry-specific topics.

• The British Safety Council (BSC) also provides entry-level courses on a number of topics.

Interactive training packages such as DVD/ CD-ROM and online packages can sometimes be the preferred option for low-risk businesses with home workers and office workers with access to a computer.

Food Safety

CIEH is the primary source of training in food safety, with qualifications aimed at everyone from food handlers to catering business owners and people involved in auditing food premises.

Professional Health and Safety

The intention for most Health and Safety Professionals is to become a Chartered Member of IOSH however relevant qualifications must be obtained. There are a number of routes to Chartered Membership but they mainly consist of either academic or on the job qualifications.

For workers, the academic route will normally start with the NEBOSH National General Certificate in



Occupational Safety and Health followed by the NEBOSH National Diploma in Occupational Safety and Health. Alternative academic routes include British Safety Council qualifications and some university or adult learning courses, providing they are recognised by IOSH.

The work-based route is mainly through a National and Scottish Vocational Qualification (NVQ/SVQ) Level 5 Diploma in Occupational Health and Safety Practice. Following this the candidate must also work through a system of Initial Personal Development (IPD) and Continuous Personal Development (CPD) followed by a peer interview.

Once Chartered Membership is attained, if a Health and Safety Professional wants to work as a consultant then they can apply for registration on the Occupational Safety and Health Consultants Register (OSHCR).



PROTECT YOUR WORKFORCE THIS WINTER

Winter often reminds us of spinning car wheels, slipping and sliding our way around, closed airports, blocked roads and busy A&E departments. For businesses, employees are at greater risk if car parks and entrances are not kept clear and there is business interruption due to inaccessible loading areas. This can lead to substantial loss of revenue or closure.

These conditions highlight the need for winter preparation, the application of salts and ice melts and the need for snow management products. This ensures the safety of staff, customers, business continuity and essential services are maintained. Considering the type of applicator and material to use, can save a great deal of time in application and make public areas safe and well maintained during cold and extreme weather conditions.

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Homeworking:

A BIG WINNER AFTER LONDON OLYMPICS?

According to a recent Vodafone UK survey, "this summer's sporting events have boosted appetite for flexible working", in London and the Home Counties.

The survey interviewed 505 adult workers living in London, Greater London and the Home Counties, 24% of whom had changed their normal working arrangements, working from home or alternative business locations for some or all of the two-week period.

For the sake of business continuity, many employers advised workers in the Greater London area and the Home Counties to work from home during the Olympics. While this may have been the first time many had taken advantage of the option, the employers of 30% of those surveyed had offered the flexible working for some time.

Generally the two weeks of alternative working has been a success, but while 34% stated their productivity increased due to them having less distractions and disruptions, only 48% felt they had all the equipment needed to work effectively from home.

IT Issues

In a somewhat opposing view, a survey by web security provider Blue Coat Systems Inc identified that lost productivity and an increased strain on IT support has left some firms with a jaundiced view of the experience.

According to the survey one-third of London-based IT managers are "less willing" to let their staff work remotely in future as a result.

The survey looked at the attitudes of workers and IT managers in the London area towards remote working during the Games. The most common problem reported by managers was lost productivity as a result of employees not being able to access applications. Half of all IT managers encountered this problem, whilst 30% felt the strain of providing additional support and noted a sharp rise in the number of helpdesk requests received.

Of employees who were working remotely, 33% were frustrated by not being able to access

applications as quickly as they could when at the office.

However, somewhat ironically, according to Blue Coat Systems, the delays experienced by people working at home were in some cases caused by staff in the office watching video playback of the Olympic events.

Remote workers were in those cases accessing the corporate network via the same Internet connection that employees in the office were using to stream video.

"As the video traffic drives network utilisation closer to 100%, it pushes out other applications, causing performance problems," Blue Coat explained.



SAFETY ISSUES IN Homeworking

Although homeworking is generally perceived as being low risk it does come with its own health and safety concerns such as stress, musculoskeletal disorders and use of electrical equipment. Here we look at some of the issues and how to manage them.

Suitability of Employee and Job for Homeworking
Homeworking should be voluntary for the worker and the employer. An employee who is forced to homework is unlikely to be as motivated or as productive as an employee who does so willingly.

Investigate whether the job can be done properly if it is based away from the main workplace. It can be a barrier to homeworking if, e.g. access is needed to files that are only available .on paper or if access is required to equipment or to systems that can only be used at the main workplace.

The employee needs to be self-motivated, able to work without close supervision, flexible, have good time-management skills, have good communication skills and be able to cope with the conflicting demands of home and work life. The employee's personal style and preferences also need to be taken into account. Some questions to be considered are:

- is the employee happy working alone?
- will working at home affect others in the household (perhaps a partner who is already working from home)?
- will the homeworker be disturbed by others?

Equipment, Facilities and Services Needed at Home
Once it has been decided that the employee and the job are suitable for homeworking, it must then be decided what equipment, machinery and plant are needed.

All equipment, machinery and plant required for the job will need to be supplied along with any personal protective equipment required. This equipment must be:

- suitable for the job
- safe
- regularly maintained
- appropriately guarded.

Any substances provided for the job, or generated by the work, should be assessed and controlled, and safe storage for the substances should be

supplied if required. First-aid requirements should be considered - the exact provisions will depend on the nature of the work.

Other business issues that will need to be investigated are:

- insurance of homeworkers and equipment
- expenses and allowances, e.g. home heating and lighting
- security issues such as confidential employer information in the home
- taxation, including business rates.

Risk Assessments for Homeworking

Risk assessments of the homeworking environment should be carried out. These should include a general health and safety risk assessment for the work and, if required, specific risk assessments such as a display screen equipment workstation assessment, pregnancy risk assessment or hazardous substances risk assessment.

The homeworking risk assessment should look at the issues that affect the health and safety of the homeworker and those affected by the work, such as other occupants of the house. Where industrial equipment such as sewing machines, power tools or similar are used, the risk assessment should be carried out in the same way as they would be in an industrial premises.

A number of different people can carry out the assessment provided that they are competent to carry it out.

This could include:

- the organisation's safety advisor
- the supervisor or line manager
- the homeworker himself or herself.

Controlling the Risks

If an employer comes across a hazard that may be a risk to the health and safety of anyone in the home, they need to decide what steps to take to eliminate that risk or reduce it as much as possible.

The Health and Safety Executive has published a report, RR262 Health and Safety of Homeworkers: Good Practice Case Studies, which highlights good practice examples of employing homeworkers. The report also contains example risk assessments for different sectors, which may be helpful to employers.

HEALTH AND SAFETY LAW:

MILESTONE CASES

This new feature looks at important cases that have helped shape Health and Safety law over the years. We will examine both common law and criminal law cases as both have ongoing relevance to businesses in the United Kingdom.

Donoghue v Stevenson [1932] AC 562, HL

Mrs. Donoghue suffered injury when she drank the contents of a bottle of ginger beer purchased by a friend which, to her horror, contained a decomposed snail. The bottle was made of dark opaque glass and Mrs. Donoghue had no reason to suspect that it contained anything but pure ginger beer.

Mrs. Donoghue was subsequently ill and tried to sue the manufacturer for breach of contract but was unable to because her friend had purchased the ginger beer.



The House of Lords decided that the manufacturer was liable. Lord Atkin stated as follows: "You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be - persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question."

Donoghue v Stevenson is the origin of the modern common law of negligence. It forms the basis of all the current rules relating to employer's liability at common law for failure to take reasonable care to ensure the health and safety of employees and others not in their employment.

British Railways Board v Herrington [1972] 1 All ER 749

While an occupier does not owe the same duty of care to a trespasser which he owes to a visitor, he owes a trespasser a duty to take such steps as common sense or common humanity would dictate, to exclude or warn or otherwise, within reasonable and practicable limits, reduce or avert a danger.

An electrified railway line owned by the British Railways Board ran through National Trust property, which was open to the public. The fences on each side were in poor condition and in April 1965 children had been seen on the line. A particular part of the fence had clearly been used as a route to cross the railway.

In June 1965 P, aged six, was injured when he stepped onto the line having got through the broken part of the fence. He claimed damages for negligence, and the judge at first instance held that since the emergence of a child from the surrounding land onto the line was reasonably foreseeable, by allowing the fence to fall into and remain in substantial disrepair, the defendants were guilty of negligence.

The Court of Appeal further held that the defendants acted in reckless disregard for the plaintiff's safety and were in breach of their duty.

This case was a key decision regarding property owners' duty of care towards trespassers. It paved the way for the Occupiers' Liability Act 1984 which created a duty of common humanity towards trespassers.



Paris v Stepney Borough Council [1951] 1 All ER 42, HL

Mr Paris worked in the Borough Council's trucks maintenance garage. He had been blinded in one eye during the Second World War but had successfully managed to conceal this from his employers until he was examined by a doctor for the purposes of the council's superannuation scheme.

When it came to light that he was blind in one eye he was given two weeks' notice of dismissal.

Two days before he was due to leave he was working underneath one of the council's gully cleaning trucks. He was using a hammer to loosen a "U" bolt on the truck's rear springs when a piece of metal flew off into his good eye, blinding him.

He claimed damages for negligence saying that he, as an individual with extra susceptibility of serious injury, should have been provided with goggles.

The House of Lords upheld his claim. The duty to take reasonable steps by an employer for

preventing injury to employees is owed to each employee individually. If an employer knows of a condition in an employee which makes that employee more susceptible to injury, or makes the consequences of injury more severe than usual, he must take extra precautions. In this case, the provision of goggles to Mr Paris would have been reasonable even if no goggles were provided to other men doing the same kind of work.

This case concluded that there is a common law duty of care by employers towards workers with 'extra susceptibility' of serious injury which, in these days of ambulance chasing no-win-no-fee claims companies, continues to remain especially relevant.



Health Effects OF MOULD

Mould is a surprisingly common workplace problem and its presence can cause concern due to the potential health effects. Can mould be a cause of health problems? What can employers do to resolve the issue?

What is Mould?

Mould is a fungus which, in order to grow, needs a food source (any organic material), moisture and a place to grow. Mould growth on surfaces can often be seen in the form of discolouration, frequently green, grey, brown, or black but also white and other colours, or cottony or speckled patterns on walls, ceilings or furniture. There may also be warping of floors, or an earthy, musty odour.

When moulds reproduce they release spores, which travel through the air, and can be inhaled. If indoor mould contamination is extensive, high airborne spore levels may exist. It is, therefore, possible for people to become exposed to moulds and their products.

Health Issues

Excessive mould can be a threat to health with occupants of damp or mouldy

buildings at increased risk of experiencing health problems. Some people are more sensitive to mould than others, and some groups (e.g. those with underlying health problems) are especially vulnerable.

Typical health issues include respiratory infections, allergic rhinitis and asthma. In some people an allergic reaction to fungal spores may take the form of a condition known as hypersensitivity pneumonitis or extrinsic allergic alveolitis. Symptoms that mould-exposed persons report (alone or in combination) include:

- Wheezing, difficulty breathing and shortness of breath.
- Nasal and sinus congestion.
- Eye irritation (burning, watery or reddened eyes).
- Dry, hacking cough.
- Nose or throat irritation.
- Skin rashes or irritation.

Allergic persons vary in their sensitivity to mould, both as to the amount and the types to which they react. For some people, a relatively small number of mould spores can trigger an asthma attack or lead to other health problems. For others, symptoms may occur only when exposure levels are much higher.

Eliminating the Risk

Employers or those in control of the premises should ensure measures are taken to eliminate health risks associated with moulds, particularly if employees are reporting the symptoms noted above and there are clear signs of mould in the building. The main actions to take are to:

- Detect and locate the source of the moisture problem that allows mould to develop.
- Remove any known mould infestations that have been found through visual inspection.
- Control excessive moisture and condensation, e.g. through improved ventilation.



Skin Care and Hand Hygiene for all Environments

Occupational skin care and hand hygiene needs vary in different work environments. Whatever your business type, Deb will help you identify suitable skin care products to improve your hand hygiene and skin care compliance. Keep it simple and source all your washroom, industrial, food and workshop skin care products from one supplier.

Washrooms

Ideal for use in washrooms in general industry, manufacturing and office environments, Deb FOAM WASH soaps offer the following benefits:

- Improved cost-in-use in comparison to many lotion soaps, only one application is needed for effective hand cleansing
- Helps save time – less product and less rinsing is needed
- Helps save water – up to 45% less water usage compared with using lotion soap*

*Using Deb's hand washing technique



Workplace Hand Hygiene

To improve hand hygiene in the workplace, use Deb InstantFOAM® hand sanitiser at potential germ transfer hot spots such as:

- Communal and shared resource centres
- Canteen and restaurant areas
- Touch screens
- Lift buttons

Deb InstantFOAM® is extremely effective at killing a broad spectrum of bacteria, fungi and many viruses that can be spread by hands and cause common illnesses.



Industrial Areas

The Deb Industrial Skin Care System has been developed to maintain the skin in good condition and retain its protective function in an industrial manufacturing environment.

The range includes products to protect, cleanse and restore the skin, supported with colour coded dispensers for easy identification.



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Deb's Skin Safety Cradle System

A unique skin safety solution for vehicles and areas of limited space, the Deb Skin Safety Cradle is a compact and complete 3-step skin care system. Conveniently fitted inside vans or work cabins, it contains everything needed to protect, cleanse, and sanitise the skin. The products do not require running water.

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The impregnated tough, extra large wipes are ideal for general hand cleaning to remove oil, grease and grime. Available in a handy, easy-to-use pack which can be used whilst on the move, with no need for water.



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Safety Behavioural Systems: WORKER MOTIVATION

The main causes of accidents have changed in recent years with human error and behavioural issues usually being the dominant factors. Inadvertent types of human errors (“slips/lapses” and “mistakes”) are best dealt with by training or improved design.

Safety behavioural systems focus on reducing another form of human error - “violations”. This is a type of error where an individual deliberately contravenes established and known safety rules drawn up for the safe or efficient operation and maintenance of plant or equipment.

There are a number of reasons why people want to violate safety rules and procedures; they are known as “direct motivators”.

Making life easier

Poor design features often make a job much more difficult and time consuming than necessary. Attention to the “ergonomics” of equipment can reduce some violations.

The following design features increase the likelihood of violations:

- Awkward or uncomfortable working postures.
- Difficulty in getting into or out of the operating or maintenance position.
- PPE that is uncomfortable to wear or difficult to use.
- Poor environmental conditions of noise, dust, heat or cold.

Getting the job done quicker or saving time

Time saved may be judged as needed to achieve production, especially if the work schedules are unrealistic. Alternatively, time saved might be used to finish work early.

The following design features increase the likelihood of violations:

- Design features making a job excessively time consuming.
- Equipment that seems excessively slow to respond.
- Frequent false alarms or unreliable instrumentation.

Financial gain

The time saved through taking short cuts can often result in higher bonus payments.

Practicality of rules

Although safety rules and procedures may have originally been appropriate, changes in working methods or PPE can result in some being impractical or inappropriate for some situations.

Unrealistic operating rules or maintenance schedules

Some instructions and procedures can be needlessly complicated but there will be many situations where they are correct and necessary; however, the workforce may see them as unnecessary. It is therefore employee perception of the need for the rules that is lacking.

Demonstrating skill and enhancing self-esteem

Some people break rules to show to themselves and others that they can achieve task goals by adopting unapproved methods. This demonstrates that they have the skills to control risks.

Employees may see some rules as being introduced for those less skilled than themselves and following them undermines their own abilities. This may reduce their job satisfaction. They would violate the rules to show to themselves, and others, that they have exceptional skills and abilities.

Deliberate sabotage/ vandalism

Such violations have been identified with contractors who are near to finishing a job. The vandalism occurs in an attempt to extend the contract to conduct the necessary repairs.



GP AWARENESS NEEDED ON Occupational Asthma

New research published recently in a scientific journal indicates that GPs need to be better at recognising occupational asthma after figures show that many people who develop work-related asthma are not correctly diagnosed by doctors.

The report, published in *Occupational Medicine* by the Society of Occupational Medicine (SOM), says that work-related factors cause 1 in 10 cases of asthma in adults but an audit of patient records suggests that GPs do not recognise this in three-quarters of patients.

According to the SOM, every year up to 3,000 people develop asthma because they are exposed to materials at work. Early diagnosis of occupational asthma and avoidance of further exposure can lead to complete recovery. However, failure to diagnose the condition and delays in accessing specialist advice mean that two-thirds of sufferers never make a full recovery.

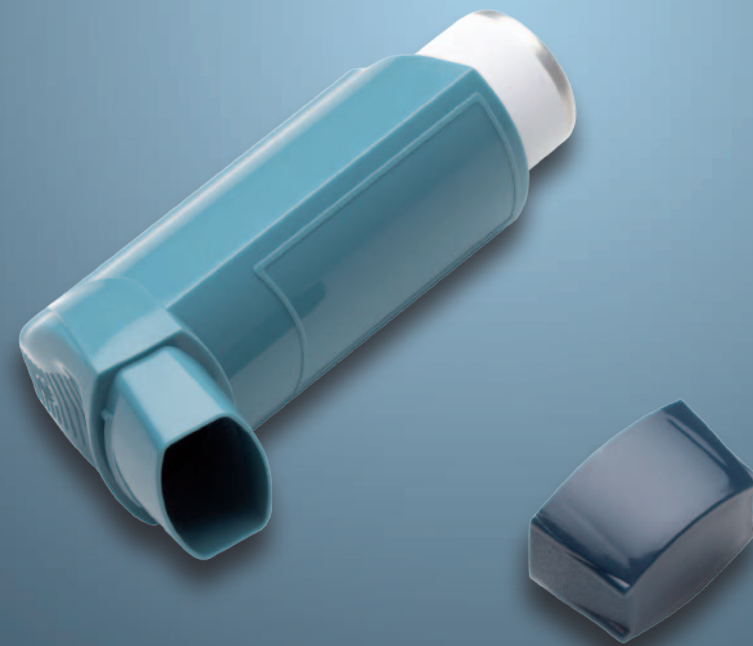
Researchers at the Institute of Occupational and Environmental Medicine at the University of Birmingham conducted an audit of the electronic patient records of working age asthmatics. Occupation was only recorded in 14% of the cases and in nearly all cases (98%)

GPs failed to record if they had asked simple screening questions about whether their asthma symptoms improved at weekends and on holiday.

The SOM is urging GPs to always question patients who present with respiratory problems about their job, the materials they work with and whether their symptoms improve when they are away from work.

A source at the Society said, “They should also be aware of those trades that carry particular risks such as vehicle paint sprayers, bakers, laboratory workers and workers in the chemical industry. The most common causative agents are isocyanates, flour, cutting oils, laboratory animals and insects, enzymes and wood dusts.”

Dr Richard Heron, President of the SOM said, “Highlighting the prevalence of occupational asthma is absolutely key, as too often work-related factors are overlooked.”



Occupational Asthma: At a Glance

- Asthma is a condition that leads to wheezing, coughing and chest tightness and is the most frequently reported occupational respiratory disease in Great Britain.
- Existing asthma sufferers may find their condition worsens if they are exposed to a range of substances - or sensitisers - in the workplace.
- Occupational asthma is caused (rather than made worse) by exposure to hazardous substances in the workplace.
- Work-related asthma is asthma made worse by work and includes substances in the workplace that irritate the airways of individuals with pre-existing asthma.
- Where the workforce may be exposed to substances that can cause asthma, it is important to identify who may be exposed to these substances.
- Asthma can be caused by a wide range of agents known as asthmagens. These agents should be identified in the workplace and exposure to them strictly controlled.
- Prospective employees should be asked about pre-existing asthma conditions caused by sensitisation to substances to which they might be exposed in their new job.

A HALF MASK SOLUTION TO SILICA DUST

The Force8™ Half Mask is an effective solution to silica dust, which is released by natural stone and common building products such as concrete and brick. The durable thermoplastic rubber mask allows for a superior fit and together with the fully adjustable 4-point cradle suspension, it ensures an effective facial fit. With the unique Typhoon™ Exhalation Valve the Force8™ offers superior low breathing resistance as the exhaled air can escape through the additional airflow vents

Silica dust could become as great an issue in construction as asbestos.

- The Force8™ Half Mask with twin filters solves many of the problems when using the appropriate P3 range of filters depending on the task in hand, the level of exposure and the working environment.
- Respiratory Protective Equipment (RPE) needs to be compatible with other forms of Personal Protective Equipment (PPE) and must be tested to face-fit compliance standards.

Tested to the relevant European Standards (EN140, EN143, EN14387) and have met the requirements shown below:

Face-piece EN140
Filter Performance EN14387:2004
Filter Performance EN143:2000



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First Aid Update:

HSE CONSULTS ON FIRST AID TRAINING CHANGES

From 22nd October - 3rd December 2012 the HSE consulted on the proposal that it should no longer approve first aid training and qualifications, along with a review of the Approved Code of Practice (ACOP) and the associated guidance.

The consultation is in response to a recommendation in Professor Löfstedt's review of health and safety, published in November 2011 and will, if approved, result in the amendment of the Health and Safety (First-Aid) Regulations 1981 (First Aid Regulations).

It is hoped by the HSE that the changes will mean employers can meet their first aid needs assessment while having greater flexibility in their choice of training provider.

The HSE was specifically interested in views on what guidance would be useful to businesses when assessing what they need in terms of first aid provision for their particular circumstances. This would necessitate a revision of the Approved Code of Practice to the Regulations.



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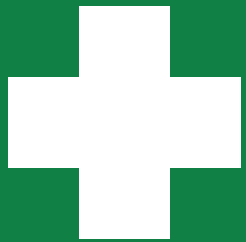
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First Aid Training Types

HSE is not proposing any changes to the current four-level 'framework' of aid at work provision which will remain:

- Appointed Person
- Emergency First Aid at Work (EFAW – one day course)
- First Aid at Work (FAW – three day course)
- additional skills/knowledge for particular environments/circumstances (e.g. defibrillator provision, working with hydrofluoric acid or excessive distance from an A+E Department).

In addition, the HSE anticipates that nationally recognised and accredited qualifications will be available covering both Emergency First Aid at Work (EFAW) and First Aid at Work (FAW).



HSE Guidance

Employers will still need trained first aiders to provide first aid to their employees if they become injured or ill at work. However, the changes will remove the requirement for employers to use only training providers and training that have been approved by the HSE, to encourage more flexibility.

This of course means that the burden of deciding who is a competent first aid trainer passes from the HSE to the employer. To help with this the HSE will include in their guidance details of how employers can ensure that the training that they are paying for will allow them to fulfil their legal requirements under the First Aid Regulations.

The guidance will provide information on how to select a competent training provider and will provide a set of criteria against which employers can benchmark the performance of training organisations.

The HSE further proposed that they could provide example case studies for workplaces with different kinds of hazards and numbers of employees, as well as for businesses where members of the public are present such as

in the retail and entertainment sectors. The guidance could also include examples of situations where any additional training may be required in the workplace.

Removing the Burden

It is also hoped that the changes will remove the "burden" of applying for and maintaining HSE approval, for those who provide first aid training.

In the Regulatory Impact Assessment, the HSE estimated annual costs to training providers to secure HSE approval for the first time and for renewal certificates and for monitoring and training, as being between £270,000 and £2.6 million over the HSE approval period.

The total cost savings to all training providers are estimated to be between £3.2 million and £6.4 million, with a best estimate of £4.7 million.

A consultation on the proposed removal of the requirement for the Health and Safety Executive to approve first aid training and qualifications, a review of the Approved Code of Practice and the content of associated guidance can be accessed at <http://www.hse.gov.uk/consult/condocs/cd248.htm>.



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Easy to fill up

The transparent door makes it easy for you to see when you need to refill any products.

Space for extra supplies

There are two additional storage spaces, helping you to adapt your station to the specific needs of your workplace.

Plasters that you pull downwards

In our new dispenser, you simply pull the plasters downwards, which avoids getting dirt or blood on the plasters.

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Blue Detectable Plasters
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No unnecessary waste
The plaster refills are locked in the dispenser to make sure they do not disappear. It is easy to remove the empty refills using a special key.

Clean, dry and hygienic
The transparent door keeps dirt and dust away, and makes it easy to see when you need to fill up with new plasters.



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Solutions for a Safe, Secure Workplace

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Paul Ingleby
Director of Innovation

This is what customers told us...

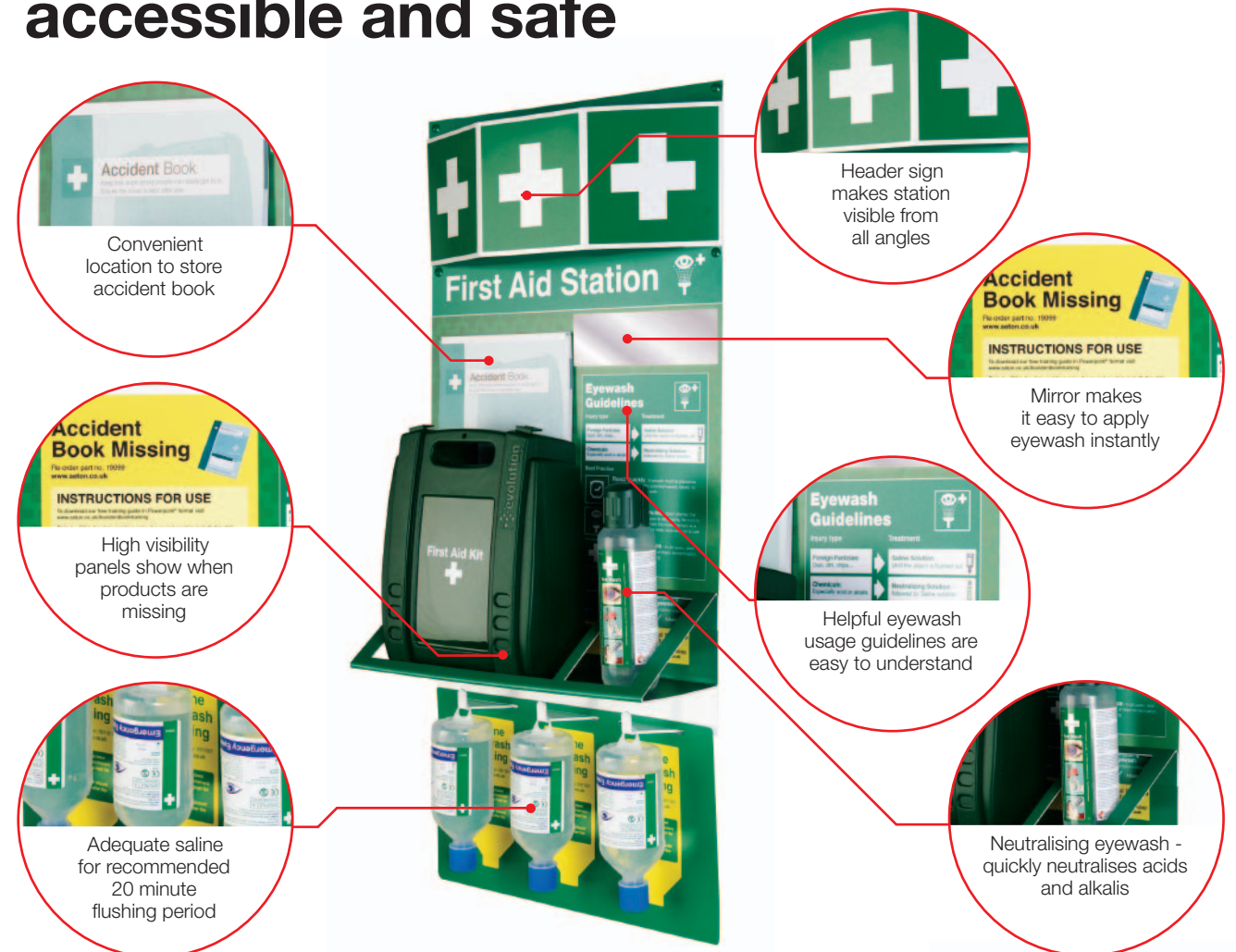
Issue:	Risk:	Solution:
Not clear what first aid products are required by law	<ul style="list-style-type: none"> • Non-compliance 	Choice of several station kits with the mandatory first aid components to suit your size and type of business and achieve quick and easy compliance
Difficult to keep track of what has been used and needs replenishing	<ul style="list-style-type: none"> • Non-compliance • People safety • Liability 	The stations allow instant identification of items missing with hi-vis yellow warning indicators and relevant re-order information – making it really easy to replenish stock
Low level of knowledge during an emergency incident	<ul style="list-style-type: none"> • People safety 	The stations contain guidance on basic steps of how to deal with an incident, contact details and legislation guidance
Challenging to keep first aid consumables in one place – tidy and protected and ready for use	<ul style="list-style-type: none"> • People safety 	The stations neatly hold and protect critical first aid items and are also very prominent – making it clear to find them in an emergency

The table below should help an employer assess the risk and therefore the appropriate number of first aid personnel required

Type of Work Environment	No. of Employees	Type of kit required
Lower risk environments such as offices, shops, libraries	1-24 25+	Low Hazard High Hazard
Higher risk environments such as factories, warehouses, construction Sites	1-4 5+	Low Hazard High Hazard

Note: The above information is provided as a guide only – customers are advised to perform a risk assessment of their own premises to correctly assess the needs for their specific environment

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Q&A'S

Pregnancy At Work

Q. Is a woman protected both during her pregnancy and during her maternity leave?

A. Yes. The beginning of pregnancy to the end of maternity leave is known as the "protected period" during which a woman is entitled to special protection.

Q. Does a woman on maternity leave have the right to return to the same job before she left?

A. Yes. She has the right to return to the same job or, in certain circumstances, a similar job with the same terms and conditions. Even if the temporary replacement is deemed to be better at the job, the person who has been on maternity leave is entitled to have her job back.

Q. Is it automatically unfair to select a woman for redundancy because of her pregnancy or maternity leave, and what does this mean in practice?

A. Yes, it is automatically unfair. This means that once the woman has established that the reason for the dismissal was based on pregnancy or maternity, the employer will have no defence, for example by saying that the dismissal was carried out fairly.

Q. Is it discrimination to fail to consult a woman who is on maternity leave about redundancy?

A. Yes. If an employer does not carry out any sort of consultation with a woman on maternity leave about her potential redundancy, it is more than likely to be discriminatory.

Q. If a woman on maternity leave is made redundant, does she need to be offered alternative employment?

A. Yes, a woman on maternity leave takes precedence over other employees in being offered suitable alternative employment. She should not be asked to apply for the alternative job but should be offered it.

Q. What happens if an employer finds that they can manage without the woman on maternity leave by redistributing her work to other people?

A. This is not a valid reason to make the woman redundant. Dismissing her is likely to be unlawful discrimination and automatically unfair dismissal because the woman would not have lost her job if she had not had to take time off work to have a baby.

Q. Is it ever possible to dismiss a woman while she is pregnant or on maternity leave?

A. Yes. If an employer has decided that they need fewer employees, they will need to go through the usual redundancy selection process, ensuring that a woman who is absent on maternity leave is not

disadvantaged and is properly consulted. She will also have first call on any suitable alternative employment.

Q. Does a woman on maternity leave have to be offered a suitable alternative vacancy?

A. Yes. If there is a suitable vacancy, an employee on maternity leave who has been selected for redundancy must be offered the job before any other employee. Failure to do this may render any subsequent dismissal automatically unfair.

Q. What if she turns the job offer down?

A. If the job offer is genuinely suitable for her and she turns it down, she may well lose her entitlement to a redundancy payment. The job must be suitable and appropriate for her in the circumstances. It must be no worse than her previous job with regard to location, terms and conditions, and status.

Q. What if there are two people on maternity leave and only one job vacancy?

A. In this case, the employer will have to consider which of the two employees is best suited to the job.

Q. If there is no suitable alternative vacancy, can a woman be made redundant during her statutory maternity leave?

A. Yes. It is possible to make a woman redundant during her statutory maternity leave provided that the reason for the redundancy is unconnected with her pregnancy or maternity leave and the employer has followed a fair redundancy process.



Emergency Lighting

Q. What is the legal requirement for emergency lighting?

A. The standards covering emergency lighting are BS 5266 – 1 and BS 5266 – 8. Any new building or that under renovation will be covered under Building Regulations, the Fire Authority and will be incorporated under the approval process.

With an existing building the competent person carrying out the fire risk assessment will need to review the following risks:

- Identify and review escape routes to ensure that they are all adequately lit.
- Type of building, taking in to account occupied periods, day use or 24hrs.
- Size of building, a small office with single exit or even a large complex building.
- Potential risk to occupants whether this be staff, members of public or contractors.
- The need to access emergency systems, fixed installations etc.

Following that review the competent person carrying out the fire risk assessment will then need to determine based on the above whether there is sufficient natural or borrowed lighting to support a safe escape and visibility to fixed installations for emergency purposes. If there is insufficient natural or borrowed lighting then emergency lighting would be required.

Q. I have both maintained and non-maintained emergency lighting in the building, is this satisfactory?

A. Emergency escape lighting can be both 'maintained', i.e. on all the time, or 'non-maintained' which only operates when the normal lighting fails. Systems or individual lighting units (luminaires) are designed to operate for durations of between one and three hours. Extract from the Department for Communities and Local Government Publications (DCLG) for office and shops guide, part 2, section 5.

Q. What areas should emergency lighting normally be fitted?

A. Emergency lighting should be installed in areas only where there is required to be sufficient level of lighting.

- Each exit door.
- Escape routes.
- Intersections of corridors.
- Outside each final exit and on external escape routes.
- Emergency escape signs, stairways so that each flight receives adequate light.
- Changes in floor level.
- Windowless rooms and toilet accommodation exceeding 8m².
- Fire fighting equipment.
- Fire alarm call points.
- Equipment that would need to be shut down in an emergency.
- Lifts, and areas in premises greater than 60m².

Q. What frequency should testing include?

A. Daily visual check of any central controls.

- Monthly function test by operating the test facility for a period sufficient to ensure that each emergency lamp illuminates.
- Annual full discharge test.

For further guidance see BS 5266-8, see 7.2.



Workplace Traffic

CHECKLIST

The movement of vehicles within premises can involve the use of a wide range of vehicles, e.g. lorries, vans and cars, all of which need to be controlled and safety measures enforced by management.

Design and layout of roadways

Decisions about workplace traffic need to be appropriate to operations, site conditions and premises layout.

- ✓ Workplace roadways must be wide enough for the safe movement of the largest vehicle permitted on site. Account also needs to be taken of the size and length of hauliers' vehicles coming onto the premises which may be larger than company vehicles.
- ✓ Site conditions must take account of the maximum number of vehicles using the premises.
- ✓ All vehicles entering the site must observe the established speed limits. Signs relating to the internal speed limits should be displayed on entry to the site.
- ✓ A one-way system should be considered, with clear direction signs to show drivers the routes to respective areas.
- ✓ The roadway system should be reviewed by management to identify blind corners and sharp bends. Where these cannot be eliminated, warning signs, traffic calming (speed bumps) or suitably placed mirrors need to be used to reduce risk.



- ✓ Siting car parking areas away from direct traffic routes in and out of the premises.
- ✓ The provision of separate traffic and pedestrian doors where vehicles and persons are entering.

Roadways

All roadways must be maintained to provide an even, level surface as far as is reasonably practicable, and cleaned on a regular basis to remove spillages.

During adverse weather conditions, arrangements should be made for wetting, gritting or snow clearing to maintain safe access and exit.

All roads need to be adequately lit, with specific emphasis on:

- ✓ Road junctions.
- ✓ Proximity to buildings and plant/process areas.
- ✓ Pedestrian routes.
- ✓ Areas where there is regular movement of vehicles/mobile equipment around the premises.

Storage Areas

Where respective premises have specific hazardous storage areas, these need protection from vehicle contact through the provision of adequate impact barriers.

Training

All drivers and employees need to be informed about the safety controls relating to movement of traffic within their place of work, and the facility afforded for segregating pedestrians from the general traffic routes.

Contract and external vehicle drivers should also be made aware of the general safety rules relating to vehicle movement and speed controls while on the premises, e.g. via the issue of a safety instruction leaflet.



News ROUND UP

January 2013

IOSH concern on new consultation rules

The Institution of Occupational Safety and Health (IOSH) has expressed concern that the Government is not giving people enough time to comment on plans to cut health and safety regulations. In a statement, the professional body said it was concerned that new Government guidance for its departments and other public bodies recommends as little as two weeks' consultation on changes to policy or legislation, or sometimes no final consultation at all. Currently, the HSE gives people at least three months to have their say, a policy IOSH supports. Severely cutting back that timescale would be "foolhardy when lives are at stake", said the Institution.

Ladder Association takes over HSE programme

This year the annual Ladder Exchange was conducted by the Ladder Association, taking responsibility for the event which was previously run by the HSE. Now in its sixth consecutive year, the Ladder Exchange, which started this year on 1 September and ran until 30 November 2012, provides all businesses with the opportunity to exchange broken, bent or damaged ladders, at participating partners, for safe, new ones at a discounted price.



Are you allergic to work?

According to national charity Allergy UK, they estimated that at least 5.7 million people could be allergic to their workplace. A huge 95% of those questioned had experienced, in the office, one or more of the symptoms of what the charity calls "work fever": nasal problems, eye conditions, dry throats, breathing difficulties, lethargy, headaches and skin irritations. Over half of the group surveyed had experienced an allergic reaction whilst at work and a quarter reported that they had suffered breathing difficulties in the last year.



Fourth corporate manslaughter charge

The Crown Prosecution Service (CPS) has confirmed that it has charged PS & JE Ward Ltd, trading as Belmont Nursery, with corporate manslaughter in connection with the death of an employee from electric shock. This is the fourth company the CPS has charged with corporate manslaughter since the introduction of the Corporate Manslaughter and Corporate Homicide Act 2007.

Healthcare assistants face violence at work

More than 70% of healthcare assistants have been the victim of aggression and violence at work, according to the results of a new survey published by UNISON. The union contacted nearly 1,200 healthcare assistants and assistant practitioners and found that 13% of those who had been the victim of violence at work had been threatened with a weapon. Nearly 20% had been the victim of an assault that required medical assistance or first aid.



Call for action on betting shop violence

A bookies' trade union has called for urgent action to protect workers after a recent TV documentary revealed a dramatic increase in violent attacks on betting shops. The Panorama programme, which aired in November 2012, revealed that violent crime in betting shops increased by 9% between 2008 and 2011.

Research on safety of construction supply chains

A new study undertaken by researchers at Cardiff University has concluded that construction supply chains can have a positive effect on health and safety management in high-profile organisations and projects. A team from the Cardiff Work Environment Research Centre and the Seafarers' International Research Centre, used two large construction projects as case studies for the study. The report found that projects were influenced by the demands of clients to ensure good health and safety practice among their own contractors and subcontractors.

1 in 10 have taken time off work for depression

According to a poll of 7,000 people in 7 European countries, 10% of workers have taken time off work because of depression, which is equivalent to 21,000 lost working days. In 2010, depression was estimated to cost the EU €92 billion (£73 billion), with lost productivity due to time off or under-performance accounting for the majority of that. The IDEA (Impact of Depression in the Workplace in Europe Audit) survey was carried out on behalf of the European Depression Association (EDA). Overall, 20% of the 7,000 polled had received a diagnosis of depression at some time in their lives.

Call for action on rising road casualties

New statistics have revealed the rising human and financial costs of road deaths and injuries in Britain. The Government's annual Reported Road Casualties Great Britain report shows serious road casualties have gone up in most regions, contributing to the first national rise in road deaths and serious injuries in 17 years. Figures for 2011 indicate that there has been a 3% increase in people killed and a 2% increase in the number seriously injured on Britain's roads compared with 2010 - the first rise in 17 years, with 51 more deaths and 462 serious injuries than in 2010. A total of 1,901 people were killed and 23,122 were seriously injured on Britain's roads in 2011, amounting to 5 deaths and 66 serious injuries every day.

1 in 3 UK workers at risk of work-induced "burn-out"

A global study by HR consultants Towers Watson, which surveyed 32,000 employees worldwide, revealed that UK employees are working increasingly long hours: over a half of British respondents (58%) said that they have been working more hours than normal over the past 3 years (while half of them expected this to continue for a further 3 years), and 26% admitted that they have not been taking as much holiday or personal time off over the same period.



Plan to cut red tape twice as quickly

The Government has decided that its "one-in, one-out" rule with regard to red tape is not working quickly enough so it plans to double the present rate. Business Minister Michael Fallon has promised that, from January 2013, every regulation the Government introduces that imposes a new financial burden on firms must be offset by reductions in red tape that will save double those costs. This will, he said, apply to all domestic regulation affecting businesses and voluntary organisations.



Balancing wellbeing and safety

The Institution of Occupational Safety and Health (IOSH) has announced details of its 2013 annual conference and exhibition, which is to focus on how health and safety professionals can strike the right balance between promoting wellbeing in the workplace and safe work practices. The Fit for the Future 2013 conference and exhibition, due to take place at London's ExCel on 26-27 February 2013, will look at ways in which practitioners can influence the strategy of organisations and IOSH says delegates will learn how they can communicate the real benefits of good health and safety to their businesses.

Managers burdened with the most stress, reveals survey

Middle management pipped senior executives and CEOs to the post by being named the most stressed out segment of the British workplace in a recent poll. According to a OnePoll study for Lane4 of 1,500 British employees, a staggering 91% of UK workers believe the majority of workplace stress is falling on middle management. The poll also found that nearly half of those taking part in the study have had their workload increased following redundancies at their company.



New safety plan for construction contractors group

The UK Contractors Group (UKCG), which represents 30 major contractors in the UK construction industry, has launched a new health and safety plan which sets out its aspirations for members, and what is expected from those in the supply chain, over the next 10 years. It aims to:

- Deal with health and safety in a more integrated way.
- Better involve the supply chain and encourage the spread of best practice down the chain.
- Support UKCG's members' journey to excellence.

Bill to protect workers from violence

A new Bill has been introduced in Parliament with the aim of protecting workers from violence at work. The Protection of Workers Bill was presented in Parliament in November 2012 by Labour MP Graeme Morrice and is scheduled to get a second reading on 1 February 2013. The Bill will extend the provisions of the Emergency Workers (Scotland) Act 2005 and Emergency Workers (Obstruction) Act 2006 to all public-facing workers, by imposing an additional penalty for those who assault workers in the course of their duties. It will create a new offence relating to assaults on public-facing workers, one that will carry a maximum sentence of 12 months and a £10,000 fine.

Lawyers: "assault on health and safety" will increase risks

The Association of Personal Injury Lawyers (APIL) claims that "a two-pronged attack on health and safety by the Government" amounts to an "assault on health and safety" that will expose workers and members of the public to greater risk of injury. The Association was responding to 2 recent consultations by the Health and Safety Executive (HSE) and has asked the safety watchdog to reconsider proposals to exempt self-employed people from health and safety law and "water down" the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

National standard for work-related road risk

A new research study, jointly funded by the Metropolitan Police Service and the Association of Chief Police Officers, and carried out by Transport Research Laboratory (TRL), has concluded that a national standard for the management of work-related road risk would be welcomed by businesses, and should include "back to basics" advice on how to manage and lower risks.



Smartphones and tablets add two hours to our working day

Researchers have found that workers in the UK are doing an extra 460 hours a year overtime on average thanks to their mobile devices, while those with access to e-mails check them an average of 20 times a day. A study by technology retailer Pixmania reveals that the average UK working day is between 9 and 10 hours, but we spend a further 2 hours responding to, or sending work e-mails or making work calls.



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