

LegislationWATCH

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

Wheel Clamping Ban

Severe penalties for companies who flout the new law

Page 17

First Aid Update

Reminder of the changes to First Aid at Work Regs

Pages 10-11

New Government,

BIG Changes

With the promise of "the Greenest Government ever" what does this mean to your business?

See pages 4-9



Contents

Regulars

- 3 Legal Update**
September to October 2010
- 16 Toolbox Talk**
In this issue...
Display Screen Equipment

25 Word Search Competition

Win a 5MP Camcorder!



- 26 Fire Safety Signs Guide**
For Catering and Factory/
Workshop areas
- 30 News Round Up**
Prosecutions and
compensation awards

Features

- 4 Government Promises** - A new broom sweeps clean
- 6 Recycling & Waste** - Driving change through legislation
- 10 First Aid at Work** - Reminder of the updated regulations
- 12 Lone Workers** - Are your employees safe?
- 14 Display Screen Equipment** - Ill health effects & posture checklist
- 17 Wheel Clamp Ban** - Severe penalties for non-compliant companies
- 18 Hand-Arm Vibration** - 5 million UK workers exposed to the risks
- 20 How safe is your contractor?** - CDM regulations explained
- 22 Dealing with Spills** - Preventing environmental damage & associated costs
- 24 Pregnancy at Work** - Special rights for new & expectant mothers

Dear readers,



Happy Birthday to Legislation Watch! I can't believe it's been a whole year since we created the first issue, thank you to all our readers for your great comments and inspirational ideas.

Going forward we could see huge changes in the way business regulation and health and safety is legislated in the UK after the election of a new Coalition Government. David Cameron said there will be a "sensible new approach" to

the UK's health and safety culture – but how will this affect business?
See pages 4-5.

Alongside this is the promise of our "Greenest Government ever" – we're all becoming much more aware of waste management issues and this is one area where we're likely to see the introduction of new legislation. **See pages 7-9** for our article on Waste and Recycling... and watch this space for further updates.

Hopefully you won't have missed an issue, but if you have, simply go to www.legislationwatch.co.uk and download the issues you need.

Cheryl

Cheryl Peacock, Editor
cheryl@seton.co.uk



Legal update

Immigration limit consultation launched

September 2010

On 1st July the Migration Advisory Committee (MAC) launched a consultation on the annual limit of the number of non-EU migrants admitted to work in the UK through Tiers 1 and 2 of the Points Based System (this will be open for submissions until 7th September 2010).

The Government has asked the MAC to provide advice on the level of the permanent economic migration limit for its first full year of operation. The permanent limit is intended to be implemented from April 2011.

As well as the economic impacts, the MAC will take into account the social and public service impacts of immigration on the UK.

The MAC advice will be presented to the Government by the end of September.



New Minimum Wage rates to come into effect

October 2010

The Government has confirmed its response to the recommendations in the Low Pay Commission (LPC) 2010 report and laid regulations to bring into force new rates, which will come into effect on 1st October 2010:

- **£5.93 per hour for workers aged 21 and over, increased from £5.80**
- **£4.92 per hour for 18-20 year olds, increased from £4.83**
- **£3.64 per hour for 16-17 year olds, increased from £3.57**

For the first time there will also be an apprentice minimum wage of £2.50 per hour. The new rate will apply to those apprentices who are under 19 or those that are aged 19 and over but in the first year of their apprenticeship.

As with previous years the LPC will monitor, evaluate and review the National Minimum Wage (NMW) and its impact, and review the levels of each of the different minimum wage rates.

This year the LPC is also asked to pay particular attention to:

- the competitiveness of small firms
- the employment prospects of young people, including those in apprenticeships and internships.



New legislation to go live

The Equality Act and the Bribery Act will come into force in October 2010, despite earlier speculation that at least parts of the Equality Act would be dumped by the new Coalition Government. According to the Government, "The provisions in the Equality Act will come into force at different times to allow time for the people and organisations affected by the new laws to carefully prepare for them."

The Equality Act brings together nine separate pieces of legislation into one single Act, aiming to simplify the law and reduce the burden on business by making it easier for firms to comply with discrimination law.

The Bribery Act introduces a general offence of offering or receiving bribes, a specific offence of bribing a foreign public official, and a corporate offence of failing to prevent bribery. Neill Blundell, Head of the Fraud Group at Eversheds, commented:

"The Bribery Act is now a reality and businesses need to be aware of the penalties they could face if they don't comply. The UK has previously been criticised for its approach in dealing with major bribery cases, so this is a significant step change that will go far beyond the scope of the US Foreign Corrupt Practices Act. This truly is a wake-up call for corporate Britain."



A new broom sweeps clean...



Our new Coalition Government to bring BIG changes



The election of a new Coalition Government could bring significant changes to the way business regulation and health and safety is legislated in this country.

Not long after coming into power, the new Government published a document, 'The Coalition: our programme for government', which gave a useful insight into its plans for the future and confirmed that it would review employment and workplace laws for both employers and employees. Says Jonathan Exten-Wright, Employment Partner at DLA Piper:

"The Government has committed to new developments which will have a substantial impact on employers.

Although we must now wait to see how the Government prioritises its plans, there is no doubt that the future employment law landscape is set to change."

In his first major speech as Deputy Prime Minister, Liberal Democrat leader, Nick Clegg, vowed to "tear through the statute book" and take a "wholesale, big bang approach to political reform".

He has since overseen the set up of a dedicated website <http://yourfreedom.hmg.gov.uk/> designed to allow members of the public to submit their ideas to the Government on cutting business regulation. Suggestions are public and can also be commented on and rated by other users.

There have already been hundreds of suggestions made since the website was unveiled, including reviewing the Minimum Wage, abolishing PAT (electrical) Testing Regulations and reducing health and safety laws.

Health and safety

Before the general election, David Cameron commented that "something has gone seriously wrong with the spirit of health and safety in the past decade" and vowed to cut down on what he sees as the UK's 'over-the-top' health and safety culture.

He has followed up on this promise with the appointment of the Rt Hon Lord Young of Graffham as Adviser to the Prime Minister on health and safety law and practice.

Lord Young is currently undertaking a Whitehall-wide review into the 'application and perception' of health and safety laws and 'the growth of the compensation culture'.

Cameron has indicated there will be a "sensible new approach" to health and safety, while Lord Young stated:

"Health and safety regulation is essential in many industries but may well have been applied too generally and have become an unnecessary burden on firms, but also community organisations and public services."

He added that he hoped his review would reintroduce an element of common sense and focus the regulation where it is most needed, with a system that is proportionate and not bureaucratic.

What this could mean in practice, suggests Rob Castledine, Associate Director at Workplace Law, is that the resourcing of health and safety inspectors could be reviewed, which might result in fewer visits from inspectors and more of an emphasis on self audit in lower risk workplaces.

Further information

The Coalition: Our Programme for Government

<http://programmeforgovernment.hmg.gov.uk/files/2010/05/coalition-programme.pdf>



Environment

Where the new administration is likely to introduce more, not less, regulation, however, is regarding the environment. Cameron has promised to deliver "the greenest government ever" and a range of initiatives have already been introduced including:

- Carbon emissions from central government to be cut by 10% in the next 12 months;
- Government department headquarters to publish online in real time their energy use;
- Establishment of a government steering group to ensure the delivery of emissions target – chaired by the Energy and Climate Change Secretary, Chris Huhne, and including representatives from key departments and the private sector; and
- A full review of the waste policy in England ([see our Recycling Update on pages 6-9](#)).

RECYCLING & WASTE MANAGEMENT

According to figures from DEFRA and the Environment Agency, on average the UK sends approximately 64 million tonnes of waste to landfill per annum.



Around a quarter of this waste is attributable to municipal disposal, and a third to commercial and industrial waste (excluding inert waste). While business is making significant strides to reduce the amount of waste sent to landfill and improve broader waste management practices, there is much more to be done, which will primarily be driven through regulation.

Waste Framework Directive

Aside from producer responsibility laws, mainstream waste legislation is shortly to be amended to include resource efficiency requirements.

Advises Colin Malcolm, Principal Environmental Consultant, at Workplace Law:

"The current consultation on the Waste Framework Directive, which will be transposed into UK law by December 2010, will result in mandatory resource efficiency measures being introduced for all waste producers through an amendment to Section 34 of the Environmental Protection Act 1990.

"The Waste Framework Directive has many implications for waste management but perhaps one of the most intriguing is the requirement that, under the current stage two consultation, producers of waste will

be required to provide a declaration on their Transfer or Consignment Notes, confirming that they have applied the principles of the waste hierarchy to their wastes. The waste hierarchy is a simple and well trodden principle for effective waste management with elimination at source the most preferred option, followed by minimisation, reuse, recycling, disposal with recovery and lastly disposal to landfill.

"It is also important to highlight that the Waste Framework Directive will also amend the current regulatory system for waste carrier registration. Currently, businesses carrying their own waste, with the exception of construction and demolition waste, do not require a waste carrier license. The WFD will require an amendment to this whereby businesses that 'normally and regularly transport waste they produced themselves' will be required to be licensed.

"Other current consultations around waste management include restrictions on the landfilling of certain biodegradable and recyclable wastes. While the implications for business are currently unclear, the direction of policy is not and the future of waste management is undoubtedly shifting towards regulatory driven resource efficiency measures on all waste producers."

The future

The Government is carrying out a full review of waste policy in England, looking at the most effective ways of reducing waste, maximising the money to be made from waste and recycling, and how waste policies affect local communities and individual households.

The review will look at:

- the effect of waste policies on local communities and individual households, and how local authorities can best work with people to make the best decisions;
- maximising the contribution of the waste and recycling industries to the UK economically and environmentally;
- how we work towards the 'zero waste economy', and drastically reduce the amount of waste created and valuable resources sent to landfill, looking at the entire process from source to end of life; and
- New approaches to dealing with commercial waste and promoting 'responsibility deals', reducing the amount of waste generated by production and retail.

The Duty of care is one of the cornerstones of waste regulation, placing requirements on waste producers to ensure that:

- waste is handled and stored safely
- the potential for vandalism, scavenging and wind blowing is minimised
- the nature of waste is clearly understood
- waste is only transferred to an authorised person and disposed at an authorised site
- Waste Transfer Notes are completed and retained for a minimum period of two years



Legislation

- Environmental Protection Act 1990.
- Environment Act 1995.
- The Producer Responsibility Obligations (Packaging Waste) (England and Wales) Regulations 1997 (amended 2008).
- The Landfill (England and Wales) Regulations 2002 (amended 2005).
- End of Life Vehicles Regulations 2003.
- The Packaging (Essential Requirements) Regulations 2003 (amended 2006).
- End of Life Vehicles (Producer Responsibility) Regulations 2005.
- Waste Electrical and Electronic Equipment (WEEE) Regulations 2007.
- The Waste Management Licensing Amendment (Waste Electrical and Electronic Equipment) (Scotland) Regulations 2007.
- Producer Responsibility Obligations (Packaging Waste) Amendment 2008.



Civil Sanctions

Under the Environmental Civil Sanctions (England) Order 2010, presently in draft form, the Environment Agency is granted new civil powers to complement existing regulatory powers. This gives it the discretion to avoid having to take businesses that commit certain types of offences to court for environmental breaches, but rather use civil sanctions.

These could include monetary penalties, the power to make business repair environmental damage, and the power to stop businesses from continuing operations that are damaging the environment. Organisations will also be given a formal opportunity to restore voluntarily any damage they cause.

The Environment Agency will still take criminal cases against business and individuals that cause deliberate, reckless and grave environmental damage. A consultation on the new civil sanctions has just ended and the results will be published in the Autumn.

Carbon

Carbon is one of the key environmental issues of our generation, and its main environmental impact – the potential to influence global climate – is now firmly entrenched within national legislation and international policy.

Much of this focus is on carbon dioxide emissions from fossil fuel combustion, but there are many other substances that can affect climate. Methane is a greenhouse gas and is approximately 21 times more powerful than carbon dioxide. It is released in significant quantities from landfill sites, due to the anaerobic breakdown of biodegradable materials.

Approximately 40% of the UK's methane emissions come from landfill sites and, to this effect, DEFRA has committed to reducing methane emissions from waste by one million tonnes by 2020 as part of the UK commitment under the Climate Change Act 2008.

Businesses that identify, benchmark and reduce their carbon dioxide emissions can now also include emissions from waste in their calculations, thus broadening their reporting requirements and their understanding of the wider impacts associated with waste disposal.

CASE 1

Plymouth City Council has been ordered to pay £11,742 in fines and costs for selling TV monitors and other potentially harmful electrical waste to unauthorised recyclers. The case was brought by the Environment Agency.

In January 2009, the Agency visited a local recycling business after receiving reports of illegal waste activity. An officer saw a large amount of waste electrical goods, including TV monitors and washing machines, stored outside in the open.

CASE 2

A camping and outdoor clothing retailer has been ordered to pay £17,000 in fines and compensation for packaging waste offences committed over a ten-year period. The company should have been registered with the Environment Agency and was obliged to recover and recycle a portion of its packaging waste, as well as filing a certificate at the end of each year to confirm it had met these obligations.

Further information

www.environment-agency.gov.uk

Workplace Law Group: Waste Management: Law and Practice
<http://environmental-management.workplacelaw.net/waste-management-law-practice>

Kick start your recycling scheme...

1. Set up a Green Team

Recruit recycling champions who can devote time and energy to your programme. Include a rep from your facilities, maintenance and purchasing departments as they will be directly affected by the programme.



2. Determine what materials you will recycle

Performing a waste audit can help. A waste audit is an inventory of the amount and type of solid waste produced at a location.



3. Work out where to put collection points

To make recycling as easy as possible, position recycling bins as close to the source of waste as possible e.g. place a paper recycling bin next to the photocopier/printer. Also, put recycling bins and general rubbish bins next to each other so that it's no extra effort to recycle.

Under Desks



Go to www.legislationwatch.co.uk/prod145

Office Areas



Go to www.legislationwatch.co.uk/prod146

Canteens



Go to www.legislationwatch.co.uk/prod147

Outdoors



Go to www.legislationwatch.co.uk/prod148

4. Identify bins with signs

Use signs to ensure recycling points are easily to identify. Government led WRAP signs incorporate the 'RecycleNow' logo which is recognised nationally.



Go to www.legislationwatch.co.uk/prod149

5. Educate staff

Educate staff by displaying posters around the workplace to encourage recycling. Kick off your recycling programme by sending an email to employees encouraging participation.



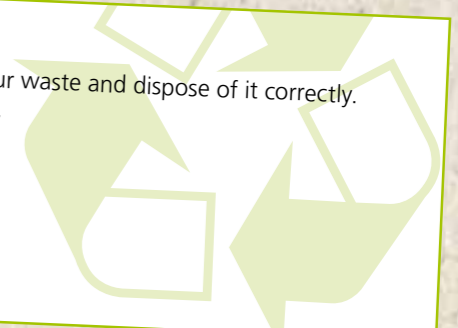
Go to www.legislationwatch.co.uk/prod150

6. Co-ordinate Collection

There are various waste collection companies across the UK that will collect your waste and dispose of it correctly. Alternatively, you could take them to a recycling bank yourself to save on costs.

Some useful websites to help you:

- www.biffa.co.uk
- www.defra.gov.uk/environment/waste
- <http://recycleatwork.wrap.org.uk/>



Changes to First Aid at Work Regulations

In 2008 the Health & Safety Executive (HSE) carried out a consultation to evaluate the effectiveness of 'First Aid in the Workplace'. As a result significant changes to the first aid at work regulations were implemented in October 2009.

What are the main changes to the first aid at work courses?

The 4 Day First Aid at Work Course is now the 3 Day First Aid at Work (FAW) Course. For those that have previously attended the 4 day First Aid at Work course, the certificates will continue to be valid for a period of 3 years.

At the end of the 3 year validity period the current 2 Day First Aid at Work Re-qualification Course will still be required to renew First Aid at Work certificates for a further 3 years.

A new HSE approved 1 Day Emergency First Aider in the Workplace (EFAW) has replaced the Appointed Person course. This will also be valid for 3 years. The EFAW can now only be offered by HSE and Qualification and Curriculum Authority (QCA) approved training providers.

Previously the Appointed Person course was completely outside of the HSE regulations and approval process, meaning that there was no guarantee of either quality or consistency.

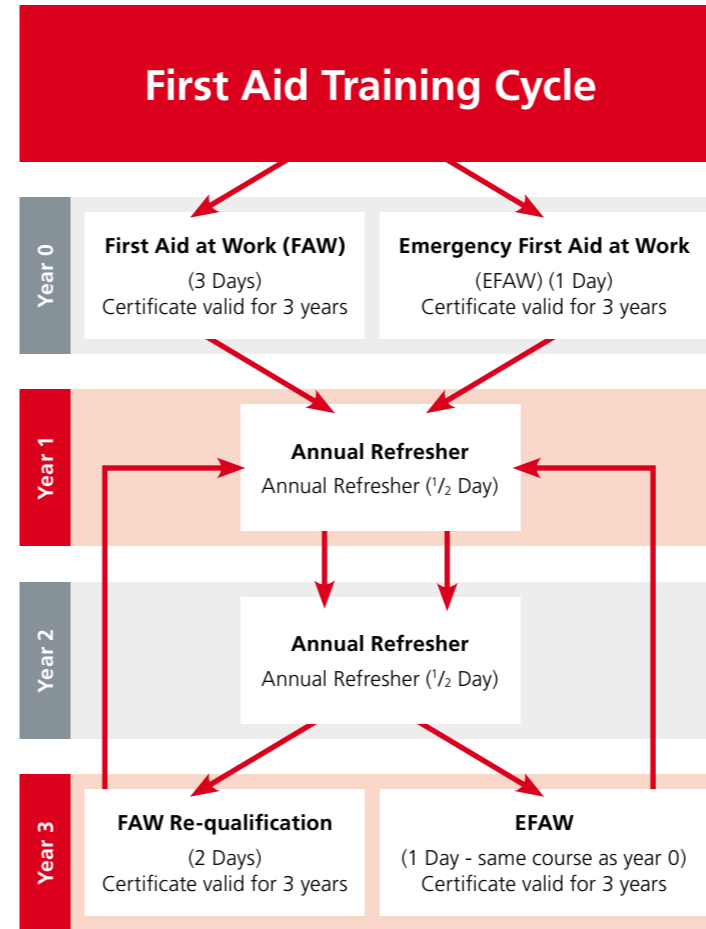
The other significant change is that the HSE highly recommends that any person trained in either the 3 day First Aid At Work (FAW) or 1 Day Emergency First Aider in the Workplace (EFAW), attend a ½ day 'Annual Refresher' course at the end of both year 1 and year 2.

This recommendation is designed to increase the level of first aider effectiveness by ensuring that the First Aiders skills and knowledge learnt during these courses are practiced and reinforced.

When will the Re-qualification Training be due?

The 3 day FAW and 1 day EFAW courses are valid for 3 years. At the end of the 3 year period a 2 day Re-qualification course is required for the 3 day FAW course. For those who have attended the EFAW course, they will need to attend the same course again at the end of the 3 year period.

The initial training, Annual Refresher and re-qualification process is summarised right:



How many people do I need to train and which course should they attend?

To evaluate the number of First Aiders that are required for your business you will need to carry out a Risk Assessment. The following factors should be considered when assessing your needs: Specific workplace hazards and risk

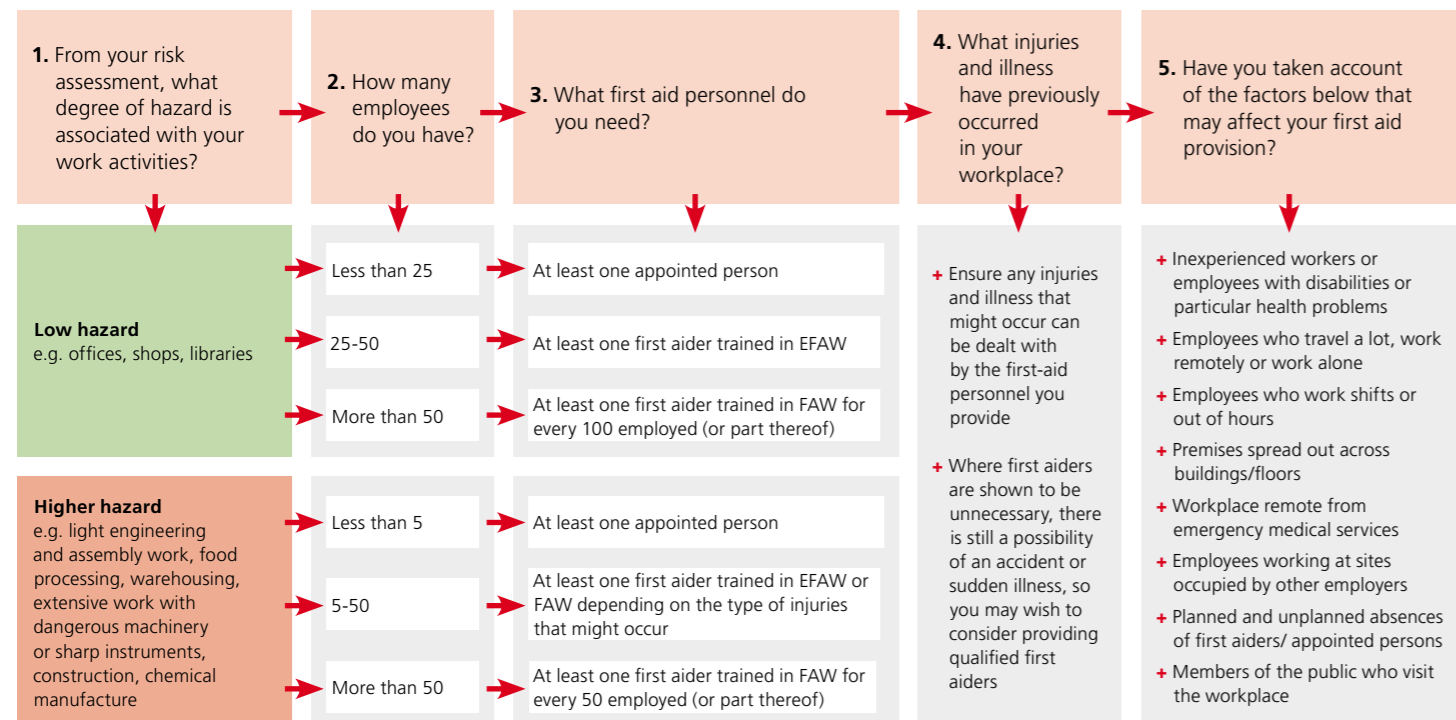
- + The size of the organisation i.e. the number of employees
- + The history of accidents, referring to your accident book is a good starting point
- + The needs of travelling, remote and lone workers. This should include company vehicle drivers and home workers.
- + Employees working on shared or multi-occupied sites
- + Potential holidays, sickness and shift patterns of trained personnel

In the main, larger workplaces and higher risk sites will require more FAW trained personnel. Smaller, low risk workplaces may require only EFAW trained personnel, although this will depend entirely on the result of the workplace risk assessment.

What is an Appointed Person?

For any workplace which deems that a First Aider is not required, it may be suitable that an appointed person is required. As stated in the First Aid at Work, Health & Safety Document, Approved Code of practise and guidance (L74), Draft Revised Guidance, 'The role of this appointed person includes looking after the first-aid equipment and facilities and calling the emergency services when required'.

Guide to the category and number of first-aid personnel to be available at all times people are at work



Exclusive readers offer!

1-10 Person First Aid Kit



Only £19.95!
Normally £29.95

Go to www.legislationwatch.co.uk/offer

First Aid Training Courses

from only £50 per person!



For a FREE Quote call us today on

01295 226677

lone workers



SUREGUARD Gas Personal Alarm

Emits an ear-piercing 120dB siren! Small enough to carry in a pocket or handbag.



Go to www.legislationwatch.co.uk/prod151

One Person Travel First Aid Kit

Ensure your staff are safe and prepared – a must for any employee working alone.



Go to www.legislationwatch.co.uk/prod152

The HSE defines loneworkers as ‘those who work by themselves without close or direct supervision’.

According to the Workplace Law Special Report ‘Loneworking 2008’, written with contributions from Suzy Lamplugh Trust, loneworkers can encompass:

- people who work separately from others in factories, warehouses, shopping centres etc;
- people working on their own in petrol stations, shops, small workshops, homeworkers, security guards; and/or
- mobile workers working away from their fixed base, e.g. engineers, sales representatives, breakdown mechanics, social workers, estate agents; the list is not exhaustive.

Legislation

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999

Although employers have the same responsibility towards staff who work alone and/or away from the workplace as they do to all workers, there are different risks involved in working alone. Consider:

- Access to and egress from the place of work. Can the lone worker get to and from the workplace safely? Is the work being carried out in a confined space?
- Nature of the work. What sort of work is being undertaken? Are lone workers dealing with the public

where they might face aggressive or violent behaviour? Do they have to carry heavy items or work in outdoor weather conditions?

- Location of work. Where does the work take place? Where work is carried out by mobile workers or off site, the employer will have little control over first aid provision and emergency procedures. Does work take place at height?
- Time of work. When does the work take place? Are there any increased risks related to the time of day, such as pub closing time or rush hour?
- Use of work equipment. What, if any, work equipment do they need to use? Use of electrical equipment, machinery and vehicles will increase the risk.
- People. Including age, maturity, experience, health and fitness, and general state of mind. Where young people or new and expectant mothers are concerned, the risks will be increased.

An evaluation of the risks highlights the control measures required to ensure work is carried out in a suitably safe manner and may require:

- redesign of the task to eliminate the need for loneworking, e.g. changing shift patterns to implement a buddy system where two people work together at all times



- provision of information, instruction and training, including training in the safe use of work equipment, or how to handle aggressive behaviour when dealing with the public
- establishment of communication and supervision procedures, to ensure that a manager is able to contact the worker at regular intervals; to make sure that arrangements in the case of an emergency have been put in place; and to check that a loneworker has arrived back safely once work has been completed
- provision of mobile first aid facilities, to ensure that loneworkers can deal with minor injuries themselves
- health surveillance of loneworkers, at regular intervals, to ensure that workers are fit and healthy to carry out the tasks required of them

Further information

Workplace Law, Loneworking 2008: Special Report www.workplacelaw.net/bookshop/specialReports/id/647

‘Lone Workers – An Employers’ Guide’ provides employers with easy-to-follow advice about British Standard BS8484 – the Code of Practice for the provision of Lone Worker Services – and what they should look for when sourcing a supplier. www.bsia.co.uk/web_images/publications/288_lone_workers_employers_guide.pdf

Case 1

The trustees of a Borders country estate were fined £3,000 after admitting a health and safety breach in connection with the death of a gamekeeper who crashed his quad bike. It was 52 hours before he was reported missing and subsequently found dead.

Trustees admitted failing to provide a means of communication or carrying out a risk assessment for a lone worker to report in at the end of a shift.

Case 2

A security guard who was severely traumatised in an assault received £180,000 in compensation following an attack while working as a security guard for the London Borough of Waltham Forest at the Low Hall Depot in Walthamstow.

He had warned his bosses on several occasions that the entrance to the security office should be made safer to prevent members of the public gaining access. He had also not been equipped with lone worker or customer care training.

Display Screen Equipment



The use of Display Screen Equipment is linked to WRULDs (Work Related Upper Limb Disorders) a range of musculoskeletal disorders of arm, hand, shoulder and neck.

Ill health effects of using Display Screen Equipment (DSE) could be caused or made worse by a number of factors which include:

- screen glare – poor image quality, causing users to adopt poor posture
- workplace stress – which after MSDs are the second most common cause of occupational ill health
- introduction of new technology / software
- long periods of screen work
- poor posture
- lack of ergonomic design for work equipment / seating and space
- room environment
- ventilation / temperature / lighting / humidity

- plan work activities so that they include breaks or changes of activity
- provide eye and eyesight tests on request, and special spectacles if needed
- provide information and training

Regulation 1: what and who should be assessed

Regulation 2: an analysis of users' workstations to assess and reduce risks

Regulation 3: general requirements for workstations, including a posture checklist, (see box)

Regulation 4: the daily work routine of users

Regulation 5: eyes and eyesight

Regulations 6 and 7: training and information

Eyes right

DSE is not just associated with WRULDs, a recent study, commissioned by the national sight charity, the Eyecare Trust, and healthcare provider, Simplyhealth, revealed that office workers spend 128,740 hours staring at a screen during their working lifetime and 90% say they regularly suffer 'screen fatigue' – headaches, sore or tired eyes, impaired colour perception and blurred vision.

DSE Regulations

The Health and Safety (Display Screen Equipment) Regulations, which came into force on 1st January 1993, with some minor changes made in 2002 are aimed at protecting the health of workers by reducing risks from VDU work, and require employers to:

- identify users and operators
- analyse workstations to assess and reduce risks
- ensure workstations meet specified minimum requirements

Further information

L26 Work with Display Screen Equipment – Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002 – Guidance on Regulations (HSE Books 2003) ISBN: 0 7176 2582 6.

(ART) tool

A new downloadable tool can help reduce the likelihood of employees suffering from musculoskeletal disorders (MSDs) of the upper limbs associated with repetitive tasks. The Assessment of Repetitive Tasks (ART) tool, developed by the HSE and the Health and Safety Laboratory (HSL), helps identify where the significant risks lie, suggest where to focus risk reduction measures and help prioritise improvements.

<http://www.hse.gov.uk/msd/uld/art/>

Turn over for details on our FREE Toolbox Talks slides

Posture checklist

Head	When the head is balanced and in a neutral position the eyes will be looking slightly down.
Shoulders	Relax the shoulders so that the upper limbs hang normally at the side of the body.
Elbows	Close to the body. Bent between 90 and 120°.
Hands, wrists and forearms	These should be straight, parallel and in line with the floor.
Back	To fully support the back, the lumbar spine should be supported with a backrest lumbar support. The user should be able to sit vertically or lean slightly back.
Thighs and hips	User's seat should be sufficiently padded. The hips should be slightly higher than the knees.
Knees	Slightly lower than the hips. Feet placed forward.
Feet	Flat on floor or if legs dangling give a footrest to support the lower limbs.



DSE Training CD-Rom

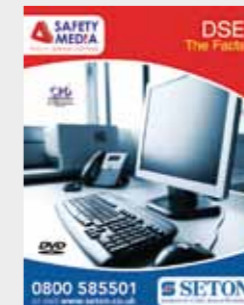
Provides tips on how to set up a computer workstation, correct posture and handy exercises.



Go to www.legislationwatch.co.uk/prod153

DSE DVD

Stresses the importance of correct use of DSE.



Go to www.legislationwatch.co.uk/prod154

DSE Risk Assessment Kit

By law you are required to carry out a documented risk assessment.



Go to www.legislationwatch.co.uk/prod153

In this Issue...
Display Screen Equipment

Toolbox Talk

Toolbox Talks are a quick and useful way of giving employees up-to-date health and safety information on a particular subject. A toolbox talk can be delivered by a health and safety expert or even a line manager or foreman. They should last no longer than 10-15 minutes and can comfortably take place in the office, staff room or canteen. Talks should be conducted regularly (weekly/monthly) or after an incident.

A Guide to Working with Display Screen Equipment

We've created a useful Toolbox Talk training presentation as a guide for people who work with Display Screen Equipment and their employers.

Download our FREE Toolbox Talk Slides and arrange your training session

- ✓ Gives a summary of the Law (The Health and Safety (Display Screen Equipment) Regulations 1992)
- ✓ Outlines what employers and employees should do to comply
- ✓ Suggests some simple adjustments users can make to workstations and screens to make them more comfortable and easy to use

Download your **FREE** Toolbox Talk Training Slides

How to

1. Go to: www.legislationwatch.co.uk/toolbox
2. Save the file to your PC (to ensure you see the trainers notes)
3. You can amend the slides to suit your organisation
3. Arrange your training session!



Wheel clamping on private land to be banned

The Government have announced that Wheel clamping on private land will be banned in England and Wales.



rogue private sector wheel-clampers once and for all. For too long motorists have fallen victim to unscrupulous tactics by many clamping firms. Reports of motorists being marched to cash points or left stranded after their car has been towed are simply unacceptable."

"A ban on clamping and towing on private land will end this abuse and companies who decide to flout new laws will face severe penalties."

licence from the Security Industry Authority (SIA), with supervisors or directors holding a non-frontline licence. This activity will cease once the ban is in place.

The regulation of the clamping industry has been on the agenda since April 2010 following the Policing, Crime and Security Bill being given royal Assent.

Further information

Listen to an interview with Kelvin Reynolds, Director of Operations and Technical Services for the British Parking Association at http://www.workplacelaw.net/audio/index/audio_id/29868



The ban will be introduced in the Government's Freedom Bill in November and will come into force shortly after Royal Assent. Once in place, anyone who clamps a vehicle or tows it away on private land will face tough penalties. The move follows significant controversy over car clamping on private land, including reports of employees being clamped whilst on work property and clamping firms using unclear signage and excessive fees.

Home Office Minister Lynne Featherstone said: "The Government is committed to ending the menace of

Regional and Local Transport Minister Norman Baker said: "The rules governing parking on private land should be proportionate and should not result in motorists being intimidated or forced to pay excessive fines. Cowboy clampers have had ample opportunity to mend their ways but the cases of bullying and extortion persist. That is why we are putting an end to these outrageous practices once and for all to ensure that drivers no longer have to fear intimidation from rogue traders, allowing the parking industry to begin to restore its reputation with the motoring public."

Currently, any individual undertaking wheel clamping must hold a frontline

Hand-Arm Vibration

Five million UK workers are exposed to hand-arm vibration in the workplace

Around five million workers are exposed to hand-arm vibration in the workplace, advises Simon Lent of Bureau Veritas UK. Two million of these workers are exposed to levels of vibration where there are clear risks of developing disease.

Common processes associated with hand-arm vibration are:

- operating handheld or hand-guided power tools
- holding materials being processed by machines

Ill health symptoms

- Tingling and numbness in the fingers
- Not being able to feel things properly
- Loss of strength in the hands
- Fingers going white (blanching) and becoming red and painful on recovery, particularly in the cold and wet. Often referred to as dead finger, dead hand or white finger.

Legislation

- Health and Safety at Work Act 1974
- Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985
 - Supply of Machinery (Safety) Regulations 1992
 - Personal Protective Equipment at Work Regulations 1992
 - Reporting of Injuries, Diseases

and Dangerous Occurrences Regulations 1995

- Provision and Use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Control of Noise at Work Regulations 2005
- The Control of Vibration Regulations 2005

The legal duties for both whole-body (where exposure occurs when vibration is transmitted through the seat or feet) and hand-arm vibration are as follows.

Employers must:

- assess the vibration risk
- establish if the daily exposure action value (EAV) will be exceeded
- establish if the daily exposure limit value (ELV) will be exceeded
- eliminate the risk or reduce exposure to a level as is reasonably practicable
- provide health surveillance to employees who continue to be regularly exposed above the action value – a daily (eight hours) amount of vibration exposure
- provide information and training
- consult trade union safety representatives or employee representatives on your proposals
- keep records of the risk assessment and controls
- keep health records for employees under health surveillance
- carry out regular reviews and take actions to reduce exposure

“Worker awarded £17,500 in compensation after permanent damage caused by grinder”

Case 1

A fitter for car manufacturer Ford received £8,500 in compensation after his hands were left permanently damaged by using vibrating tools at work. Anthony Barry was left with the debilitating condition Hand-Arm Vibration Syndrome (HAVS), also known as Vibration White Finger, after using vibrating tools in his job as a toolmaker.

Case 2

A worker received £17,500 in compensation after his shoulder was permanently damaged using a handheld grinder to remove paint from a floor. It was the first time he had used the grinder for which he wasn't given any training on how to use it safely.

Further information

Vibration at work:
www.hse.gov.uk/vibration

Anti-Vibration Gloves

Unique foam coating reduces the effects of impact, shocks and vibration whilst maintaining grip and dexterity.

Go to www.legislationwatch.co.uk/prod156



High Vibration Risk Sign

Warn employees when there is a risk of Hand-Arm Vibration Syndrome. Self-adhesive material adheres to any indoor surfaces.

Go to www.legislationwatch.co.uk/prod157



How safe is your contractor?

CDM Regulations explained

The Construction (Design and Management) Regulations 2007 (CDM 2007 Regulations) place legal duties on virtually everyone involved in construction work, explains Simon Toseland, Head of Safety at Workplace Law.

Dutyholders under CDM 2007 comprise:

- Client: i.e. anyone having construction or building work carried out as part of their business, an individual, partnership or company including property developers or management companies for domestic properties.
- CDM coordinator: must be appointed to advise the client on projects that last more than 30 days or involve 500 person days of construction work. Their role is to advise the client on health and safety issues during the design and planning phases of construction work.
- Designer: i.e. those who prepare design drawings, specifications, bills of quantities and the specification of articles and substances, including architects, engineers and quantity surveyors.
- Principal contractor: must be appointed for projects which last more than 30 days or involve 500 person days of construction work. Role is to plan, manage and coordinate health and safety while construction work is being

undertaken and is usually the main or managing contractor for the work.

- Contractor: A business involved in construction, alteration, maintenance or demolition work, involving building, civil engineering, mechanical, electrical, demolition and maintenance companies, partnerships and the self-employed.
- Worker: Anyone who carries out work during the construction, alteration, maintenance or demolition of a building or structure. A worker could be, for example, a plumber, electrician, scaffolder, painter, decorator, steel erector, as well as those supervising the work, such as foremen and chargehands.

Clients can help protect the health and safety of construction workers by:

- Appointing competent designers and, where the project is notifiable, appointing a CDM coordinator and a principal contractor.
- Sharing information about possible health risks on the site (e.g. asbestos contaminated land) with designers,

the CDM coordinator and the principal contractor. Follow their advice about how to eliminate and control health risks.

- Allowing enough time and money for each stage of the project, from concept through to completion.
- Before site work starts, ensuring that the principal contractor has made reasonable arrangements to work safely and without risks to health, and carry out periodic checks to confirm that their arrangements are effective.

Further information

HSE: L144 – Construction (Design and Management) Regulations 2007 Approved Code of Practice (HSE Books, 2007)

ISBN: 978 0 7176 6223 4.



Case 1

A construction company and two of its directors were fined a total of £75,000 following the death of a member of the public at one of its building sites. The site wasn't properly secured and a member of the public entered the work area, tripped over an unprotected edge, and fell 2.4m into a basement courtyard below.

PIB (UK) Ltd pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974, was fined £30,000 and ordered to pay costs of £6,500.

Company director and client for the project, John Blankson also pleaded guilty to breaching Regulations 20(1) (a) (b) and (c) of the Construction (Design and Management) Regulations 2007, was fined £15,000 and ordered to pay costs of £3,465.

Following the hearing, HSE Inspector, Denis Bodger, said:

"Sites can be easily and cheaply secured by providing suitable fencing or hoarding, using lockable gates and providing clear signage. The HSE is calling upon building contractors and those clients having building work undertaken for them to ensure they are familiar with the law and implement the requirements of industry recognised safe practice before work starts."

Case 2

A building firm has been prosecuted by the HSE for a breach of the Work at Height Regulations 2005 after a worker sustained serious back injuries when he plunged more than 3m from a terrace retaining wall on a construction site.

The building company, which was acting as principal contractor on the construction site also pleaded guilty to a charge under the Construction (Design and Management) Regulations 2007 for failing to notify HSE that construction work was due to take place on site. Kendal Varley Ltd, the worker's employer, also pleaded guilty to the same CDM Regulations charge.



Are you prepared to deal with spills?

Many organisations don't think about how they would deal with a spill until one happens, by which time it is often too late to prevent serious environmental damage and the associated costs.

Stephen Mansell explains why a proactive approach rather than a reactive approach to oil spills is not only in most cases a legal obligation, but can also save organisations time and cash.

Oil is the most commonly reported cause of waste pollution in the UK with the Environment Agency informed of over 5000 incidents annually. To combat the ongoing battle against oil pollution both England and Scotland have seen the introduction of Oil Storage Regulations. Some parts of the Regulations differ between the two countries and there is a growing consensus that there are areas of both regulations which could be improved and anyone storing over 200 litres or more of oil above ground may well be affected.

Under the Control of Pollution Oil Storage Regulation (England) 2001 anyone storing oil above ground in 200 litre containers or more should have them situated within a Secondary Containment System (SCS) with few exceptions, one being if the container is situated within a building, another being waste oil. Under the Scottish rules the regulations still apply to containers inside a building and include waste oil.

Proactive rather than Reactive

Regardless of which set of regulations or legislation apply, two approaches can be taken when dealing with spills: Proactive or Reactive. The Proactive approach is to situate all containers of liquid or semi-liquid within a SCS whether indoors or outdoors, to provide adequate response equipment and keep spill kits onsite for every possible situation. The Reactive approach is to keep only limited or no Spill Kits/Absorbent material to soak up the spill after it has already occurred.

The Reactive approach has obvious disadvantages:

- The need to rely on someone observing the spill and stopping it before it has the chance to escape into a watercourse via drainage etc.
- Employee downtime while clearing up the spill
- Cost of spilt liquid cannot be reclaimed
- Disposal cost of absorbent material (hazardous waste)
- Possible fines

The Proactive approach – containing oil at source has many benefits:

- Liquids can be reused
- Fines are avoided
- Slip and trip hazards avoided

This can be shown using the following cost analysis:

- **Drum of oil LUBOL 32 Hydraulic Oil £215.25**
- **Cost to soak up 205 litres with a 250 litre oil only spill kit £503.95**
- **Disposal cost (hazardous waste management courier) £365.00**
- **Plus employee costs to clear up spill**
- **Total cost of spill without liquid escaping into a watercourse, therefore preventing future fines, clean up costs would be in excess of £1084.20.**



The Control of Pollution (Oil Storage) England Regulations 2001

Anyone storing 200 litres of oil or more above ground at a commercial, industrial or institutional site, or more than 3,500 litres at a domestic site will be affected by these regulations. They cover factories, shops, schools, hotels, public sector buildings and hospitals. These regulations only apply in England. All oil stores had until 1st September 2005 to introduce satisfactory secondary containment.

Water Environment (Oil Storage) Scotland Regulations 2006

Regulations in Scotland apply to storage of waste oil. The storage of waste mineral oils is exempt under the Oil Storage Regulations England as their storage is covered by the Waste Management Licensing regulations. The Oil Storage Regulations affecting England exempts the storage of oil within a building. In Scotland storage in a building is still considered a risk therefore should be banded. The Regulations came into force in 3 stages and all tanks had to comply by 1st April 2010

Common Sense

The initial outlay puts some buyers off but if used correctly the SCS should pay for itself as the spilt material can be reclaimed. But what type of SCS should be used? Here are some common sense solutions that can be used.



Spill Containment can be put into the following categories:



Indoor Storage
Drum Spill Pallets
 2 drum, 4 drum and 4 drum in-line options
 Go to www.legislationwatch.co.uk/prod158



Outdoor Storage
Hardcover Spill Pallets
 Available for 2 or 4 drums
 Go to www.legislationwatch.co.uk/prod159



Dispensing
Poly Rack Systems
 Choose from single or double
 Go to www.legislationwatch.co.uk/prod160



Transportation
Poly Dolly
 Transport and dispense drums with ease
 Go to www.legislationwatch.co.uk/prod161



General Housekeeping
Single Drum Trays
 Suitable for 25 - 205 Litre drums
 Go to www.legislationwatch.co.uk/prod162



Response
Poly Overpack Salvage Drums
 51, 114 or 361 litre sump capacity
 Go to www.legislationwatch.co.uk/prod163

Health and safety during pregnancy

A plethora of employment legislation gives new and expectant mothers special rights, while health and safety legislation protects new and expectant mothers from certain risks in the workplace.

Legislation

- Workplace (Health, Safety and Welfare Regulations) 1992
- Employment Rights Act 1996
- Maternity and Parental Leave Regulations 1999
- Management of Health and Safety at Work Regulations 1999
- Work and Families Act 2006
- The Statutory Pay, Social Security (Maternity Allowance) and Security (Overlapping Benefits) (Amendment) Regulations 2006
- The Maternity and Parental Leave etc. and Paternity and Adoption Leave (Amendment) Regulations 2006
- The Maternity and Parental Leave etc. and Paternity and Adoption Leave (Amendment) Regulations 2008

Risk assessment

The Management of Health and Safety at Work Regulations 1999 require employers to carry out a risk assessment for new or expectant mothers and their babies.

Provided the new or expectant mother has notified the employer (in writing) of these circumstances, the employer must:

- provide the new or expectant mother with information on any identified risks to her or her baby's health
- take reasonable actions to avoid identified risks

Further information

HSE – Expectant mothers:
www.hse.gov.uk/mothers/faqs.htm

Case

In *O'Neill v. Buckinghamshire County Council*, teacher, Mrs O'Neill, argued that the 'stress' inherent in teaching amounted to a 'working condition' and triggered the strict requirement to carry out a risk assessment.

The Employment Appeal Tribunal (EAT) however decided the strict requirement to carry out a risk assessment simply did not apply.

Explains Andrew Hazelwood of Thomas Eggar LLP:

"It used to be believed that employers were under a strict obligation to carry out a risk assessment for every pregnant worker.

"More recent case law (including this case) has confirmed that the strict obligation only applies to employees exposed to particular industrial risks, namely, processes, working conditions or physical, chemical or biological agents in the workplace. For any employees exposed to such risks, employers must carry out a risk assessment, and a failure to do so will give right to a sex discrimination claim. For most employees, however, there is no absolute right to a risk assessment.

"However, employers should not be hasty to abandon carrying out risk assessments for pregnant women. There remain general obligations to carry out risk assessments for all staff under health and safety legislation."

Win a 5MP HD Camcorder!

Complete our Word Search for your chance to win. There is one word in the list that you won't find in the grid... but which word is it?

How to Enter: Simply go to www.legislationwatch.co.uk/competition and submit your answer!

S	T	G	L	F	S	J	R	D	Q	O	V	R	S
P	Z	O	O	E	B	S	L	T	V	Z	E	D	R
E	R	V	F	O	G	I	E	M	O	G	G	E	E
V	F	E	A	J	P	I	H	N	U	C	G	S	Y
T	O	R	L	O	L	E	S	L	I	X	T	W	O
H	V	N	L	L	G	N	A	L	O	S	I	O	L
E	B	M	U	A	I	T	E	B	A	S	U	T	P
A	N	E	W	V	I	P	L	W	A	T	T	B	M
L	E	N	O	O	U	O	S	F	S	Z	I	Q	E
T	L	T	N	V	O	P	E	R	I	S	K	O	B
H	A	H	Q	T	H	T	D	L	A	G	E	L	N
J	W	J	M	V	Y	V	F	A	S	A	P	Y	N
G	N	I	L	C	Y	C	E	R	T	U	F	W	P
W	O	R	K	E	R	S	G	B	S	E	I	N	D

BUSINESS
 EMPLOYER
 GOVERNMENT
 HEALTH
 LAW
 LEGAL

LEGISLATION
 NEWS
 RECYCLING
 REGULATION
 RISK
 SAFETY

SIGNS
 SPILL
 TOOLBOX
 UPDATE
 WAGE
 WORKERS



Toshiba Camileo P10 5MP High Definition Camcorder

Closing date for entries is 1st November 2010

For Terms and Conditions please go to www.legislationwatch.co.uk/competition

Competition Winner



Congratulations to Karen Mitchell who won the HP Laptop in the summer issue!

A Guide to Fire Safety Signs



Assessment Area: Catering

Safety Awareness Check List

Knowledge of risks:



Do all occupants know of areas containing hazards e.g. electrical mains cupboard/box that may be situated in the kitchen area?

Yes No

Understanding prohibition:



Are there any areas that are restricted to authorised personnel?

Fire extinguishers:



Are all fire extinguisher locations clearly marked?



Is the class of fire identified on the body of the extinguisher?

Responsible behaviour:



Do all occupants know of any areas where certain actions could increase risk, especially smoking prohibition?

Escape route management:



Are all fire doors clearly marked? Fire doors should always be kept closed. Jamming them open is not allowed.



Are all fire exits clear of obstructions?

Emergency Awareness Check List

The majority of Emergency Awareness Elements can be communicated using one sign – the Fire Action Notice. If used in conjunction with effective training this offers the most efficient forms of signing.



Go to www.legislationwatch.co.uk/prod169

Do you have effective signage that communicates the following points to your visitors?

	Yes	No
1. Activate Alarm	<input type="checkbox"/>	<input type="checkbox"/>
2. Call the Fire Brigade	<input type="checkbox"/>	<input type="checkbox"/>
3. Extinguisher Activation	<input type="checkbox"/>	<input type="checkbox"/>
4. Occupants Evacuation	<input type="checkbox"/>	<input type="checkbox"/>
5. Assembly Point Arrival	<input type="checkbox"/>	<input type="checkbox"/>

Fire Authorities Arrival: Yes No



Are there any gas valves or other risks e.g. propane gas heaters, that should be clearly marked for the fire services?



- Go to www.legislationwatch.co.uk/prod164
- Go to www.legislationwatch.co.uk/prod165
- Go to www.legislationwatch.co.uk/prod166
- Go to www.legislationwatch.co.uk/prod167
- Go to www.legislationwatch.co.uk/prod168
- Go to www.legislationwatch.co.uk/prod169
- Go to www.legislationwatch.co.uk/prod170
- Go to www.legislationwatch.co.uk/prod171

Both naked flames and the use of cooking oils pose a serious threat to the possibility of a fire incident within catering and kitchen areas. Appropriate signage in kitchens indicating hazards and fire fighting equipment are vitally important to safety and to reinforce safety awareness behaviour.

Key Points:



Cooking oils are a high risk item. Correct storage is very important in kitchen areas and signage to clarify these points is critical to a safe kitchen environment.



Kitchen areas should only be used by authorised and appropriately trained personnel. Correct signage to clarify this point is important to maintain a safe area.



Kitchen fires usually occur at the cooking point and usually involve cooking oils. Clearly marked fire fighting equipment is critical in ensuring speedy extinguishing of such fires by trained staff.

A Guide to Fire Safety Signs



Safety Awareness Check List

Knowledge of risks:

Do all occupants know of areas containing hazards e.g. electrical mains cupboard/box that may be situated in factory/workshop area?

Yes No

Understanding prohibition:

Are there any areas that are restricted to authorised personnel?

Yes No

Fire Extinguishers:

Are all fire extinguisher locations clearly marked?

Yes No

Is the class of fire identified on the body of the extinguisher?

Yes No

Responsible behaviour:

Do all occupants know of any areas where certain actions could increase risk, especially smoking prohibition?

Yes No

Escape route management:

Are all fire doors clearly marked? Fire doors should always be kept closed. Jamming them open is not allowed.

Yes No

Are all fire exits clear of obstructions?

Yes No

Emergency Awareness Check List

The majority of Emergency Awareness Elements can be communicated using one sign – the Fire Action Notice. If used in conjunction with effective training this offers the most efficient forms of signing.



Go to www.legislationwatch.co.uk/prod177

Do you have effective signage that communicates the following points to your visitors?

	Yes	No
1. Activate Alarm	<input type="checkbox"/>	<input type="checkbox"/>
2. Call the Fire Brigade	<input type="checkbox"/>	<input type="checkbox"/>
3. Extinguisher Activation	<input type="checkbox"/>	<input type="checkbox"/>
4. Occupants Evacuation	<input type="checkbox"/>	<input type="checkbox"/>
5. Assembly Point Arrival	<input type="checkbox"/>	<input type="checkbox"/>

Fire Authorities Arrival:

Are there any gas valves or other risks e.g. propane gas heaters, that should be clearly marked for the fire services?

Yes No

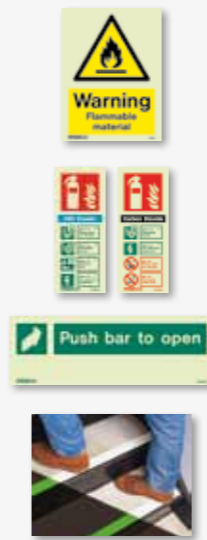
Assessment Area:



- Go to www.legislationwatch.co.uk/prod172
- Go to www.legislationwatch.co.uk/prod173
- Go to www.legislationwatch.co.uk/prod174
- Go to www.legislationwatch.co.uk/prod175
- Go to www.legislationwatch.co.uk/prod176
- Go to www.legislationwatch.co.uk/prod177
- Go to www.legislationwatch.co.uk/prod178
- Go to www.legislationwatch.co.uk/prod179
- Go to www.legislationwatch.co.uk/prod180

Factory floors and workshops are usually high risk environments. Industrial processes often include hot work and the use of flammables. Good management and clear communication of these elements is critical to the fire safety management of these areas.

Key Points:



Knowledge of risks in factory and workshop areas is extremely important. Clear identification of risks is also vital for the fire service as this information can save their lives as well as aiding the extinguishing of a fire.

These extinguishers are usually placed where a fire could occur due to industrial processes that require the use of hot work and the storage and use of flammables. Correct and clear identification of fire is paramount to everyday fire safety.

Most factories and workshops will have final exit doors with push bar opening systems. These should be clearly signed to aid evacuation if necessary.

Industrial areas can easily get clogged up with materials and manufactured products. Using photoluminescent paint or floor tape to mark a clear corridor system provides clear navigation in an emergency situation.

NEWS ROUND UP

Autumn 2010

Oil refinery death

A man has been killed following a fire and explosion at the Lindsey oil refinery, Lincolnshire. The victim was working close to a crude oil distillation unit which caught alight then exploded. More than 50 firefighters were called to the plant where black smoke was seen billowing from burning crude oil. Two other workers were injured.



Night shift danger

An international food company that supplies major UK supermarkets has been fined after a night shift worker was hurt while cleaning processing machinery. HSE Inspector, Jo Anderson, said: "This case highlights the need for employers to be aware of what goes on during the night shift. All staff have a right to the same standard of care irrespective of their working hours."



Roof fall

Electrical retailer, Comet Group plc, has been fined £75,000 following the death of a contractor who fell through a roof light. Paul Alker was working for a roofing contractor and was on the roof of the Comet store in Wrexham when he stepped on a roof light and fell around 25 feet on to the store floor.



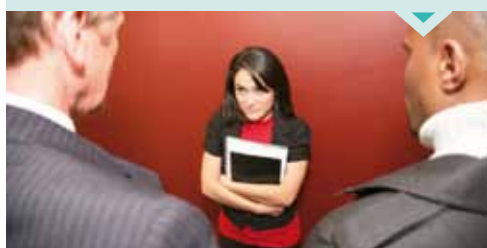
Forklift fine

A company has been prosecuted for health and safety failings after an employee was struck by a reversing forklift truck at its depot. The portable toilet hire firm was ordered to pay a £7,000 fine and £3,198 in prosecution costs after it admitted breaching health and safety law.



Bullying and stress link

A study carried out by the University of Sheffield and funded by the Institution of Occupational Safety and Health (IOSH), has found that bullying from 'organisational insiders', for example colleagues, subordinates and superiors, significantly influenced levels of stress reported seven months later.



Fatalities fall

Recent HSE figures reveal that the number of people killed at work in Britain fell last year to a record low. The provisional data show that 151 workers were killed between 1st April 2009 and 31st March 2010 compared to 178 deaths in the previous year, and an average number over the last five years of 220 deaths per year.



Chainsaw injury

A Suffolk farmer has been fined after one of his employees cut into his left arm with a chainsaw. Keith Dennis, then part time worker at Hill Farm, Leiston, was asked to cut back an overgrown hedge on 30th October 2009 despite being given no supervision and no protective clothing to do so.



Fine increased

In a reflection of prosecutors' and the courts' response to public demands for increased fines for health and safety offences, judges have substantially increased a fine payable by a construction company convicted of health and safety offences. Construction firm, Discovery Homes (Scotland) Ltd, was originally fined £5,000 following the death of Polish worker, Andrezej Freitag, in 2008, but now has to pay eight times the amount.



Buncefield guilt

A jury at St Albans' Crown Court has found TAV Engineering Ltd guilty of failing to protect workers and members of the public following an investigation into the explosion and fire at Buncefield Oil Storage Depot on 11th December 2005.



Dangerous vehicles

Increased powers to crack down on dangerous trucks and coaches have been proposed by Transport Secretary, Philip Hammond, giving the Vehicle and Operator Services Agency (VOSA) more flexibility in tackling vehicles it suspects of being overloaded or breaking operating or driving hours rules. This would help VOSA to enforce new cabotage rules governing the amount of UK domestic work hauliers from outside the UK can undertake.

£100,000 for stress claim

A Staffordshire University worker who allegedly had to work up to 65 hours a week has received £110,000 in compensation due to stress. It was argued that the university should have taken adequate measures to ensure staff weren't overworked.



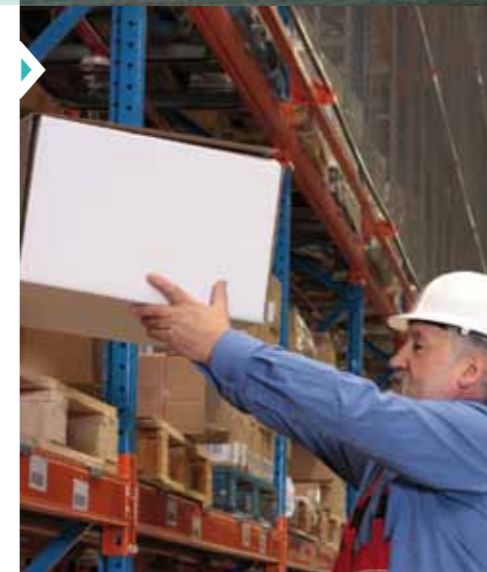
Need a drink?

A new survey has suggested more than half the nation's workforce feels so tense at the end of their working day they reach for the bottle. The survey of 3,000 employees by healthcare cash plan provider, Mediacash, also revealed that one in ten Brits feel stressed out before they even start their working day and 6% say they feel stressed all the time.



Heavy lifting

The HSE has warned employers about the importance of heavy goods training, after a man was crushed to death unloading a case of glass from a cargo container. Roadways Container Logistics Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974, was fined £250,000 and ordered to pay £100,000 costs.



Fire breach

A business owner has been fined £80,000 and ordered to pay Cheshire Fire and Rescue Service over £50,000 in costs after pleading guilty to serious breaches of fire safety legislation. Paul Ashley of P and S Ashley Timberworks pleaded guilty to eight counts of breaching the Regulatory Reform (Fire Safety) Order 2005 (RRO).



**WIN
a 5mp
Camcorder!**

See page 25

Download more copies at www.legislationwatch.co.uk

Your **FREE** copy of

LegislationWatch

Your Guide to Workplace Law and Legislation | Autumn 2010 Edition

Inside this issue...

- ✓ Legal update calendar
- ✓ Government promises
- ✓ Recycling update
- ✓ First aid at work regs
- ✓ Display screen equipment

- ✓ Wheel clamping ban
- ✓ How safe is your contractor?
- ✓ Dealing with spills
- ✓ Safety signs guide

...and much much more!