

# LegislationWATCH

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

## Lord Young Review

Common Sense,  
Common Safety

Pages 9-11

## Equality Act

How the changes will  
affect your business

Pages 12-15

# Keep your business moving

Last year 58% of small businesses suffered as a result of the snow. Prepare in advance and avoid any winter weather disruptions.

**See pages 4-7**





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## Dear readers,



The unpredictable winter weather is well and truly upon us. Our winter edition will equip you with all the information you need to help keep your business going during the cold snaps – take a look at our winter articles on **pages 4-8**, including the Toolbox Talk on Preventing Slips & Trips at Work.

At last, the eagerly awaited Lord Young Review on Health and Safety was published in October. Common Sense, Common Safety aims to reduce the burden of health and safety on small businesses – read all about the key recommendations and how it will affect you on **pages 9-11**.

For a bit of light-hearted fun, check out our Health & Safety Myths Uncovered on **pages 24-25** and don't forget to take part in the Double Puzzle competition for your chance to win a TomTom!

Cheryl

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P.S Don't forget you can download any edition of Legislation Watch by simply going to [www.legislationwatch.co.uk](http://www.legislationwatch.co.uk).



The next few months will see the implementation of many of Lord Young's recommendations outlined in his Review, Common Sense, Common Safety (see pages 9-11).

### January 2011

A new national register of occupational safety consultants will be set up to help employers access 'good quality, proportionate advice', the HSE has confirmed.

The Occupational Safety Consultants Register (OSCR) will go live in January 2011. It will provide firms with details of consultants who have met the highest qualification standard of recognised professional bodies and who are bound by a code of conduct that requires them to only give advice that is 'sensible and proportionate'.

The register has been developed by the HSE and a network of professional bodies representing safety consultants across Britain. Employers will visit a single website that will help them to find local advisers with experience relevant to their sector.

The Register is one of the recommendations of Lord Young's health and safety review, published in October, to 'professionalise health and safety consultants with a qualification requirement that all consultants should be accredited to professional bodies' and to 'establish a web based directory of accredited health and safety consultants'.

To be eligible to join the register, individual consultants will need to be either Chartered members of the safety bodies IOSH, CIEH or REHIS or a Fellow of the IIRSM.

### January 2011

Another key recommendation is to introduce a single consent form for schools, which covers all activities a child may undertake during their time at school. The Report recommends:

"We should simplify the process that schools and similar organisations undertake before taking children on trips. We should introduce a single consent form, signed by a parent or guardian, which covers all

activities a child may undertake during their time at a school, enabling parents to opt out of any specific activities. Consent is already not required for activities which take place during the school day and in order to reduce the amount of bureaucracy around school trips we should underline this message to schools and local authorities."

This measure will follow a simplified classroom risk assessment, launched by the HSE in November.

Also in January, a Consultation on the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) will be launched. This will seek to gain views on extending the current requirement to report all over-three-day injuries to only those injuries that require employees to take seven or more days off work.

### Said Lord Young:

"RIDDOR can often be seen as a cumbersome system, and compliance is estimated at around 50%. There is evidence from the HSE of under-reporting of RIDDOR, which makes me question its successful operation. Businesses would see a significant reduction in the number of reports they need to make; it would also improve the accuracy of national statistics."

### March 2011

Finally, the launch of a consultation on consolidating the current raft of health and safety legislation into a single set of accessible regulations is planned for March 2011.

### Lord Young said:

"I recommend that the current raft of health and safety regulations is reviewed in order to consolidate them into a single set of accessible regulations. In so doing the opportunity should be taken to ensure that the consolidated regulations and guidance are framed around the principles of the 1974 Act and reflect a proportionate response to risk."

"There is evidence that there has been significant regulation 'creep' over the years with the original principles of health and safety relating to hazardous environments being extended to relatively low risk activities and businesses. This is particularly the case where the EU is concerned where the tendency has been to look first at extending prescriptive regulation rather than examining ways of ensuring risk is managed in a proportionate way, focusing on process rather than outcomes."

Legal Update



# Coping With Winter Disruption

Last year saw the coldest winter for three decades, which caused widespread disruption by hampering deliveries, triggering heating and power failures and leaving many employees unable to get into work.

According to a YouGov poll carried out earlier this year, 58% of senior decision-makers at small businesses said their companies suffered as a result, despite 78% believing their firms were sufficiently prepared.

Nationally, three-quarters (74%) of employees were affected by the snow, with more than a quarter (26%) failing to get in to work at all. A fifth (21%) of those surveyed found key suppliers and contacts were unavailable and 26% had to postpone or cancel meetings.

The Forum of Private Business (FPB) is urging smaller companies to prepare for any potential adverse weather now by putting in place business continuity plans.

## Spokesman, Phil McCabe, said:

"We estimated that last winter's snowfalls were costing smaller businesses across the UK around £230m each day at one point. Obviously, in the current climate, small firms can ill afford a similar expenditure this year, so we're urging business owners to think about their contingency plans now to ensure they aren't put out of action by another icy winter."

There is much that businesses can do to prepare in advance for the disruption of extreme winter weather and they should start by formulating a business continuity plan.

## Points to consider are:

- It doesn't have to be overly complicated but just sets out what to do, where to go and who is responsible.
- Make sure any plans you make have been thought through, tested and discussed with key members of staff.
- Don't forget that business continuity documents have to be accessible all the time, e.g., they're no good on the server if IT has gone down or in a filing cabinet in the office which nobody can get to because of the weather.
- BCPs have to be reviewed on a regular basis to make sure they are still competent and relevant.

## Flexible working

Decide on a company policy regarding employees who are unable to get into work due to the snow or because of school closures.

According to employment law expert, Martha Arnold at Fox Williams, one option is to pay for a set period of time, such as one additional day's leave for all employees who are unable to get into work, with the remainder of the leave being unpaid unless employees can show that they can carry out meaningful work remotely.

She advises that care should be taken in relation to assessing how much work the particular employee can carry out remotely and whether this is sufficient to amount to a half day or a full day's work.

## Snowy or icy grounds

For those staff and visitors who do make it into the workplace, it's also important to safeguard those entering or leaving the premises by gritting car parks, steps or slopes and placing absorbent mats inside the entrance to help collect water off shoes.

The Institution of Occupational Safety and Health (IOSH) says it would also encourage businesses to be good employers and neighbours by gritting beyond their property boundaries where it was deemed necessary.

## Further information

The Federation of Small Businesses (FSB) has produced a policy paper on business continuity in the event of severe winter weather entitled 'Let's Keep Britain Moving', which can be downloaded from [www.fsb.org.uk](http://www.fsb.org.uk)

Business Continuity Institute: [www.thebci.org](http://www.thebci.org)

The Institute of Risk Management: [www.theirm.org](http://www.theirm.org)

UK Resilience: [www.ukresilience.info](http://www.ukresilience.info)





# Winter Safety Best Practices

With the Government encouraging businesses to clear snow and ice from their own entrances this winter, health and safety together with best practice information becomes more important than ever. Take a look at our top tips to keep your workplace slip-free this winter.

## Popular De-Icing Products

### White Salt

White Salt is fast-acting and high-purity; it de-ices large areas quickly and leaves virtually no residue making it ideal for access areas. It works down to -12°C.

Go to [www.legislationwatch.co.uk/prod181](http://www.legislationwatch.co.uk/prod181)

### Brown Salt

Brown Salt also de-ices large areas quickly but leaves a gritty residue which provides additional grip on paths and roads. The salt component works down to -12°C but the grit component will remain effective at any temperature.

Go to [www.legislationwatch.co.uk/prod182](http://www.legislationwatch.co.uk/prod182)

### Ice Melt

Ice Melt contains carbamide which is 100% non-corrosive, non-toxic and won't leave a residue if walked inside. It should be used instead of salt-based products where corrosion to plants, concrete and metals are a concern. Ice Melt has the most coverage compared to other granular de-icers at 10 times the spread rate of Salt. It works down to -12.5°C and will prevent refreezing down to -15°C.

Go to [www.legislationwatch.co.uk/prod183](http://www.legislationwatch.co.uk/prod183)

### Snow Shovels & Scoops

It's worth investing in a good quality snow shovel that has been designed to withstand the rigours of heavy winter use. A lightweight thermoplastic construction will make the dreaded task of shovelling snow a great deal easier.

Go to [www.legislationwatch.co.uk/prod184](http://www.legislationwatch.co.uk/prod184)

### Liquid Ice Melt

Contains magnesium chloride and a corrosion-inhibitor making it ideal for areas where salt-based de-icers are not suitable. Supplied in a concentrated formula to be diluted with water, a 10 litre container can de-ice up to 2000 square metres. It works down to -18°C undiluted or -7°C if diluted. Liquid Ice Melt can be used in conjunction with a back pack sprayer for ease of use.

Go to [www.legislationwatch.co.uk/prod185](http://www.legislationwatch.co.uk/prod185)

### Salt Spreaders

For any medium to large site, a Salt Spreader is an absolute necessity. Spinner Spreaders are designed to achieve a balanced spread pattern and ensure even coverage. It's the most economical and hassle-free way of de-icing your premises.

Go to [www.legislationwatch.co.uk/prod186](http://www.legislationwatch.co.uk/prod186)

### Salt & Grit Bins

Salt/Grit bins were designed for one purpose – to keep your salt and grit clean, dry and tidy. If you've been stocking up on salt supplies for the winter months,

you don't want to risk it getting damp to the point where you can't use it. Salt/Grit Bins also keep your salt neat and out of the way until you need it – plus you can also store your shovels and scoops inside.

Go to [www.legislationwatch.co.uk/prod187](http://www.legislationwatch.co.uk/prod187)

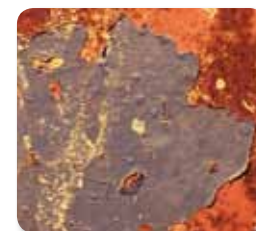
## Best Practice



The most economical way of applying de-icing products is to check the weather forecast and apply the product before the on-set of Ice or Snow. This will normally be in early evening on the day before, but this isn't always the case.



By applying the product beforehand, up to 50% less product will be used, and depending on the severity of the weather this will keep the area clear for up to 72 hours before reapplication will be needed. In the case of liquid de-icing products, reapplication will be required if applied before the onset of heavy rain.



It's important that "salt based" products do not come into contact with plant life or metal structures as sodium chloride (salt) will also 'etch' concrete surfaces. Ice Melt should be used on/around these areas as it is 100% non corrosive.



There is a duty of care in relation to Fire Escapes which are normally metal gantry-type structures where granular products cannot be used. Liquid Ice Melt should be applied on these areas.

## Application

If applying salt based products safety gloves should be worn together with safety boots.

If the area is covered in ice, then great care should be taken when applying the product by sprinkling as close to the "starting point" as possible. This creates a safe base to start application from.

Snow that is thicker than 40mm should be removed with a snow shovel or similar before applying product to the remaining layer.



For maximum product coverage and ease of use in car parks and walkways, a push along spreader is recommended.

Go to [www.legislationwatch.co.uk/prod188](http://www.legislationwatch.co.uk/prod188)

Go to [www.legislationwatch.co.uk/prod189](http://www.legislationwatch.co.uk/prod189)

## Storage

De-icing products can be stored outside providing the bag/container is sealed properly.

Salt based products can be stored outside in a Salt/Grit Bin to keep it dry. If not stored in a weatherproof container, the salt will become harder to apply the wetter it becomes. Other types of de-icing products must be either used once open or stored in dry conditions.



Go to [www.legislationwatch.co.uk/prod190](http://www.legislationwatch.co.uk/prod190)

## Salt & Spreader Kit

Be fully prepared this winter with this money saving kit

Buy 20 bags of salt and get a **FREE spreader worth £209.85**

Go to [www.legislationwatch.co.uk/prod191](http://www.legislationwatch.co.uk/prod191)



**"The Health & Safety at Work Act 1974 requires employers to take all reasonably practicable steps to ensure the health, safety and welfare of employees at work"**





# 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... Preventing Slips & Trips at Work

We've created a useful Toolbox Talk training presentation to help you prevent slips and trips in the workplace.

**Download our FREE Toolbox Talk training slides and arrange your training session**

- ✓ How to examine slip and trip risks
- ✓ What the Law says and good working practices
- ✓ Hazards and suggested actions



Download your **FREE** Toolbox Talk Training Slides

**How to**

1. Go to: [www.legislationwatch.co.uk/toolbox](http://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!



# Lord Young Review

Lord Young's long-awaited review of health and safety regulation and practice was published in October 2010. The report follows a Whitehall-wide review of the operation of the UK's health and safety laws, and the compensation culture.

**Welcoming the report, Prime Minister David Cameron said:**

"Good health and safety is vitally important. But all too often good, straightforward legislation, designed to protect people from major hazards, has been extended inappropriately to cover every walk of life, no matter how low risk.

"We simply cannot go on like this. That's why I asked Lord Young to do this review and put some common sense back into health and safety. And that's exactly what he has done."

It's important to note that the review, 'Common Sense, Common Safety', does not cover hazardous occupations, which it describes as being 'effective' in reducing accidents at work, but concentrates on examining low risk workplaces and the prevalence of the so called over zealous 'elf n safety' compensation obsessed culture.





## The key recommendations of the Report are:

- Requirement that all health and safety consultants are accredited by a professional body
- Easing the regulatory burden for low hazard workplaces by simplifying the risk assessment procedure
- Exempting employers from risk assessments for employees working from home in a low hazard environment
- Consolidating current health and safety legislation into a single set of regulations

- Amending the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 by extending to seven days the period before an injury or accident needs to be reported
- Combining food safety and health and safety inspections
- Easing the administrative burden on schools
- Instigating an appeals process in circumstances where Local Authorities have adopted an 'over zealous' safety approach, by for example cancelling an event
- Ensuring police officers and firefighters are not at risk of investigation or prosecution under health and safety legislation when engaged in the course of their duties if they have put themselves at risk as a result of committing a heroic act

All of these recommendations have been accepted by the Government, and Lord Young will work across departments to ensure they are carried through. Although at the moment most of the points are still recommendations and have not yet progressed through to legislative change, the HSE did make two significant announcements directly following the Review:

- A new register of certified external safety consultants; and
- An online risk assessment for low risk environments.

### New register

A new national register of occupational safety consultants is being set up to help employers access good quality, proportionate advice. The Occupational Safety Consultants Register (OSCR) will go live in January 2011 and will provide firms with details of consultants who have met the highest qualification standard of recognised professional bodies, and who are bound by a code of conduct that requires them to only give advice which is 'sensible and proportionate'.

Employers who want to engage the services of an external safety consultant will only need to visit a single website to find a local adviser with experience relevant to their sector.

However, it's worth noting that in its response to the Young report the HSE pointed out that the majority of office-based business should not need a health and safety consultant in the first place:

"You probably already deal with most business issues yourself and health and safety should be no different," it stated.

"If you run a low-risk, office-based business then health and safety is something you can manage without needing to buy in expert help."



## Online risk assessment tool

It was with low risk offices in mind that the HSE launched its new online risk assessment tool, which aims to cut back the time it takes to weigh up the hazards in offices to just 20 minutes.

The HSE says the web tool will help employers to consider relevant hazards in their office and think about how they control them to keep staff safe. The tool aims to help avoid unnecessary paperwork and bureaucracy for office-based businesses, which the HSE says tend to be low risk.

Judith Hackitt, the HSE chair, said:

"Many people assume that risk assessments need to be long, formal documents covering every hazard, no matter how minor or unlikely to occur. That's not the case and the new 20-minute risk assessments make it clear that this can be done for any office quickly and easily."

The HSE already provides example risk assessments for 34 types of workplaces, including charity shops, estate agents and hairdressers. The new 20-minute risk assessments differ because the online tool prompts employers to answer a series of questions that generate their risk assessment and action plan. Simplified risk assessments for other workplaces deemed as low risk are currently being developed. [www.hse.gov.uk/risk/office.htm](http://www.hse.gov.uk/risk/office.htm)

### Legislative changes

The report is also very critical of the 'current raft of health and safety regulations' and calls for a consolidation into a single set of 'accessible' regulations.

The proposed consolidation is to be the subject of a consultation process, starting in March 2011.

Lord Young also proposes making changes to RIDDOR (which is used to chart work-related accidents), to allow employers to wait seven days instead of three before they are required to report an injury or accident. The report also suggests RIDDOR is re-examined to determine whether it is the best way of gathering accurate data.

A consultation on changing RIDDOR is due to take place from January, and it's been widely agreed that improved data gathering would be a desirable outcome.

### Further information

Lord Young's report, 'Common Sense, Common Safety':  
[www.number10.gov.uk/wp-content/uploads/402906\\_CommonSense\\_acc.pdf](http://www.number10.gov.uk/wp-content/uploads/402906_CommonSense_acc.pdf)

HSE office risk assessment tool:  
[www.hse.gov.uk/risk/office.htm](http://www.hse.gov.uk/risk/office.htm)



## Home workers

The Young Report also recommends employers should be exempted from carrying out risk assessments for employees who work from home.

However, says Rob Castledine, Associate Director of Health and Safety at Workplace Law, it is worth bearing in mind there are three types of home worker:

- People who have a flexible working agreement, working from home a few hours a week
- Those contracted to work from home all the time; and
- Those who work from home one or two set days a week



He says:

"As an employer you have liability if something goes wrong with any of those employees, because if a member of staff does develop musculoskeletal problems and the firm didn't check where and how they were working, they could have a basis for a claim.

"Yes, it is minimum risk, but the way employment trends are going, there will be more people based at home, and if employers ignore them completely you're not setting up for accident claims but health-related claims.

"I would suggest devising (or downloading) a checklist and sending it to your home workers. If they say everything is ok, you can accept that working from home is covered."





# Equality Act

Most of the provisions of the Equality Act 2010 (the Act) came into effect from the beginning of October 2010. The Act consolidates all the existing anti-discrimination legislation, i.e. the legislation banning discrimination (direct and indirect) on the grounds of sex (including equal pay), race, disability, religion or belief, sexual orientation and age. The Act applies to England, Wales and Scotland but not to Northern Ireland.

## Explains Tar Tumber of Workplace Law Group:

"The Equality Act 2010 distils and extends existing legislation in order to provide a more consistent and effective legal framework for preventing discrimination."



## Its key provisions include the following:

- Harmonisation and extension of discrimination law. The prohibition in directly or indirectly discriminating 'because of a protected characteristic' will cover age, disability, sex, gender reassignment, sexual orientation, race, religion or belief and, in many but not all instances, marriage and civil partnerships. Disability-related discrimination will be

replaced with a prohibition on discriminating against a disabled person by treating them unfavourably where that treatment is not a proportionate means of achieving a legitimate aim.

- Discrimination by association or based on perception. The ban on discrimination by association will be extended to protect spouses, partners, parents and carers who look after a disabled person or older relative, from discrimination.
- Pre-employment health questionnaires. This new provision prohibits employers asking job applicants questions about their health and whether they have a disability.
- Positive action in recruitment and promotion. If this provision is brought in, it would enable employers to pick someone for a job from an under-represented group when they have the choice between two or more applicants who are 'as qualified' as each other – but they must not have a policy of doing that in every case.
- Equal pay. The Act incorporates provisions to cover existing equal pay and sex discrimination law, with the aim of reflecting key decisions in equal pay case law and avoiding any gap or overlap between provisions.
- Recommendations by Tribunals. The Act aims to widen Tribunals' powers to enable wide-ranging recommendations to be made applying across the workplace, such as re-training staff.
- Specific duties for public bodies to adhere to. Ensuring equal opportunities for all backgrounds within the community.

## Types of discrimination: some definitions

**Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination right), or because they associate with someone who has a protected characteristic (see associative discrimination below).

**Associative discrimination** already applies to race, religion or belief and sexual orientation. Under the Act, associative discrimination is now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, someone is bypassed for promotion because their manager is aware they have a dependent who is disabled and it's believed the employee will be too busy looking after their dependent to concentrate on the role. This would be discrimination against the employee because of their association with the disabled person.

**Perceptive discrimination** already applies to age, race, religion or belief and sexual orientation and is now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. For example, someone is denied an opportunity because they look much younger than they actually are; this could be discrimination on the perception of a protected characteristic, in this case age.

**Indirect discrimination** already applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership and is now extended to cover disability and gender reassignment. Indirect discrimination can occur when a condition, rule, policy or even a practice in the company applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the employer can show that it acted reasonably in managing its business, i.e. that it is 'a proportionate means of achieving a legitimate aim'.

Continued...





## Health questionnaires

A provision in the Act will make it potentially discriminatory, on the ground of disability, for employers to ask applicants questions about their health or disability prior to making a decision on whether or not to proceed with applications or offer employment. It will also be potential discrimination for employers to require applicants to complete a medical questionnaire or undergo a medical examination prior to deciding whether or not to select them.

An employer will be able to make enquiries about an applicant's health if there is a justifiable reason for doing so, for instance to establish whether or not the applicant would be able to carry out an 'intrinsic' function of the work, i.e. heavy lifting.

## Sources of further information

ACAS: [www.acas.org.uk](http://www.acas.org.uk)

The Equalities and Human Rights Commission:  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

The Government Equalities Office:  
[www.equalities.gov.uk](http://www.equalities.gov.uk)

Direct Gov: [www.direct.gov.uk](http://www.direct.gov.uk)



**Harassment** is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Harassment applies to all protected characteristics except for pregnancy and maternity, and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive, even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

**Third party harassment** already applies to sex and is now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes employers potentially liable for harassment of employees by third parties, such as customers or clients. However, the employer will only be liable when harassment has occurred on at least two previous occasions, the employer is aware that it has taken place, and has not taken reasonable steps to prevent it from happening again.

**Victimisation** occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

## Protected characteristics

The Equality Act will continue to protect the same groups that are protected by existing discrimination legislation, including:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

**However, these will now be called 'protected characteristics'.**





# Emergency lighting

In an emergency, a well-lit building can suddenly become dark and disorientating, which could make evacuation difficult, especially for visually impaired people. This is why emergency lighting designed for wayfinding must be in place to ensure the rapid and safe evacuation to a place of safety.

In an interview with Workplace Law, Dr Geoff Cook, Director of the Research Group for Inclusive Environments at the University of Reading, advised that in an emergency situation, the most common type of lighting is strips of light emitting diodes (LEDs), which can be laid in tracks that mark the boundaries of corridors, can go around exit doorways, and do not cause too much glare. He also stated that as they are very bright compared with the background, “we found from our studies that visually impaired people are able to see these tracks and use them very effectively”.

## Other areas to consider are:

- Designing a route that isn't continuously lit, because when people move into dark spots, whether they have good vision or not, they become disorientated.
- Avoid setting wayfinding lighting some distance above the floor, as it makes the floor appear closer than it really is.
- Ensure the edges of steps and ramps are clearly lit as otherwise people may be unaware of where they end.

## Signage should be adapted to assist both sighted people and those with visual impairments, and should be:

- Well lit (either self-lit or lit by external lighting);
- Large enough, with the signs themselves – the letters and the background – contrasted; and
- Mounted at eye level and mounted on walls where there is a contrast.

## Emergency lighting guidance

The current guidance on emergency lighting is in BS 5266: Emergency lighting.

Part 1 of this Standard implements EN 50172 and is the Code of Practice; Part 7 is the UK implementation of EN 1838. Other parts of the Standard cover specific issues such as wayfinding and further parts are in preparation.

Especially important is regular planned maintenance and testing of emergency lighting, and this is provided for in the Standards.

## Inside and out

Emergency lighting should include luminaires outside the final exit to the building to assist adaptation to outside night-time lighting levels. This is particularly important for the elderly and the visually impaired. The SLL has published Lighting Guide 12: Emergency Lighting Design Guide, which covers all aspects of emergency lighting from design to maintenance.



Exterior lighting of areas such as public car parks and access roads, including those in shopping centres, is covered by BS 5489-1 Code of Practice for the Design of Road Lighting.



## Case 1

A businessman in Blackburn was fined £12,000 after his warehouse was branded a 'death trap' for having sealed fire exits.

Fire inspectors said the safety measures in place at the Britannia Mill were the worst they had ever seen.

### The warehouse had:

- no working fire alarm
- no emergency lighting
- no fire risk assessment in place
- piles of flammable boxes blocking escape routes.

## Further information

Society of Light and Lighting:  
[www.sll.org.uk](http://www.sll.org.uk)

Lighting Guide 12: Emergency lighting design guide  
(ISBN: 1 903287 51 0).

British Standards Institute:  
[www.bsi-global.com](http://www.bsi-global.com)

## Lumenite® Light Sleeves

100% reliable emergency lighting – no maintenance needed.



Go to [www.legislationwatch.co.uk/prod192](http://www.legislationwatch.co.uk/prod192)

## Emergency Exit Boxes

Clearly identify your emergency exit routes.



Go to [www.legislationwatch.co.uk/prod193](http://www.legislationwatch.co.uk/prod193)

## Photoluminescent Lighting System

Use to identify and illuminate escape routes and ensure compliance.



Go to [www.legislationwatch.co.uk/prod194](http://www.legislationwatch.co.uk/prod194)



# Packaging waste and waste management savings

The prosecution (see page 20) of a food products supplier for failing to comply with waste packaging legislation is a reminder that waste packaging legislation, and indeed the wider waste management requirements, are still misunderstood.



**Following the case, Carol Getting, Investigating Officer for the Environment Agency, said:**

"It is disappointing that although the Regulations have been in force for over a decade, the requirements are still widely misunderstood. The Packaging Regulations generate more than £80m of investment into the recycling industry annually and have driven a significant reduction in packaging waste being disposed in landfill."

According to Sophie Dow of Eversheds, businesses that manufacture, use and handle packaging have legal obligations in relation to recycling and recovery of packaging waste if they

have an annual turnover of more than £2m and handle more than 50 tonnes of packaging per year.

- These obligations apply to any 'producer' of packaging or packaging materials.
- Packaging is defined as a product made from any material (such as paper, glass, plastic, aluminium and wood) that is used for containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods.
- There are specific targets

that producers need to meet when recycling packaging made from paper, glass, metal, plastic and wood.

- Packaging must meet certain requirements before it can be placed on the market.
- Failure to comply with applicable legislation is a criminal offence and penalties can be large.

## Waste management savings

Businesses handling, storing, transporting, treating and disposing of waste must be aware of a wide range of waste-related legislation to ensure compliance with the law and avoid prosecution. However, advises Mike Lachowicz of Bureau Veritas UK Ltd, businesses can also save around 1% of turnover each year through a waste minimisation programme.

## Steps for this process are:

- Identify the types and sources of waste by creating a list of each of the waste streams originating from your business and separating the different waste streams, e.g. inert, non-hazardous etc. The Environment Agency (EA) has produced guidance to help waste categorisation in its document entitled 'Guidance on Sampling and Testing of Wastes to Meet Landfill Waste Acceptance Procedures.'
- Register with the Environment Agency (if producing more than 500kg of hazardous waste per annum).
- Wastes must be appropriately and securely stored at all times to ensure compliance with the Duty of Care Regulations, and must be prevented from causing pollution or harm. It is not appropriate to burn, bury or pour away wastes or illegally dispose of wastes, for instance on another premises.
- Identify the most appropriate means of waste management, e.g. check whether wastes can be re-used, recycled or reclaimed or indeed if the processes undertaken can be modified to reduce the amount, or even types, of wastes generated. Alternatively, by monitoring the use of raw materials, chemicals, water etc., you may be able to reduce them.
- Select authorised waste carriers and disposal contractors. It is a legal requirement to transfer controlled waste by use of an authorised waste carrier such as a registered carrier or

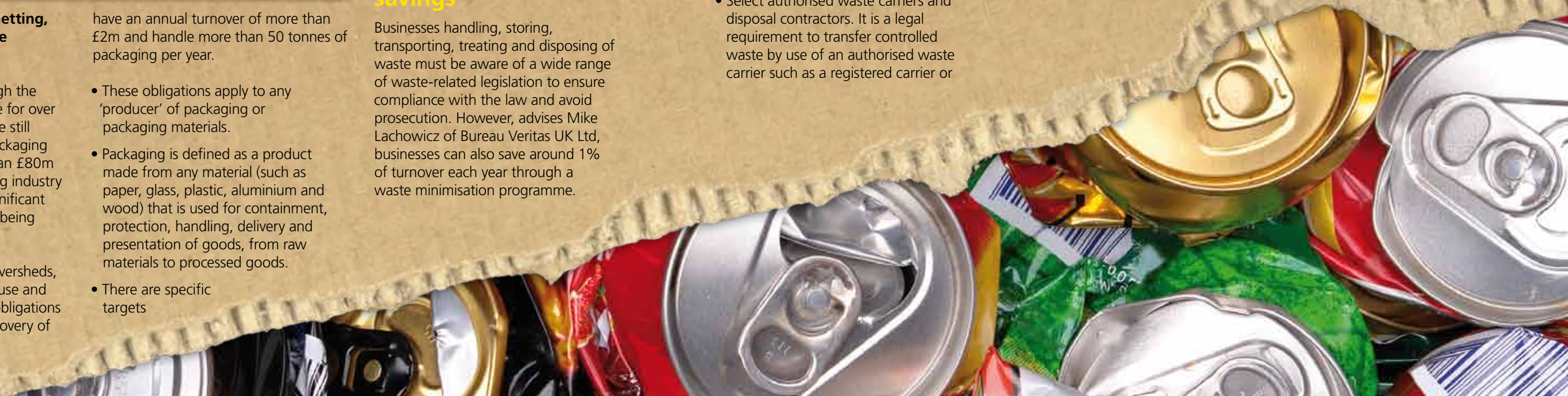
holder of an environmental permit. Some commercial or trade wastes can be handled by your Local Authority's collection or disposal schemes.

- Maintain comprehensive records. All controlled waste (i.e. generated from households, commerce or industry) transfers / movements, intermediate storage, recovery, or disposal must be accompanied by a waste transfer note (WTN). This should include appropriate information such as a written description of the waste and name of the person to whom the waste is being transferred.

**Continued...**

## Legislation

- Directive 94/62/EC as amended by Directive 2004/12/EC on packaging and packaging waste.
- Packaging (Essential Requirements) Regulations 2003, as amended.
- Producer Responsibility Obligations (Packaging Waste) Regulations 2007, as amended.







### Case 1

#### Regulations misunderstood

A supplier of ready-made food products has been ordered to pay more than £7,500 for failing to comply with waste packaging legislation.

It was fined £4,500 and ordered to pay £3,032 in costs to the Environment Agency, a total of £7,532 after pleading guilty to failing to register with the Environment Agency under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007. It also failed to meet obligations to recover and recycle packaging waste in 2008 through the purchase of Packaging Recovery Notes as provided by the 2007 Regulations.

It registered under the Regulations in previous years but, due to reporting requirements being misunderstood,

believed it did not need to register for 2008. An Environment Agency routine check showed it had incorrectly calculated the tonnage of packaging handled as being below the registration threshold of 50 tonnes, when in fact it had handled more than 500 tonnes. The company registered for Regulations under a compliance scheme in 2009.

### Case 2

A Derbyshire scaffolding firm has been ordered to pay almost £95,000 following two charges related to the illegal deposit, treating and keeping of commercial waste on land without a waste management licence. An employee had been instructed to tip screened building waste, and waste that included soiled wood chippings, at a former colliery tip where the owner of the scaffolding firm held a tenancy agreement that did not allow the deposit of such waste.

### Further information

A considerable amount of information on waste management can be found on the EA's website: [www.environment-agency.gov.uk/business/topics/waste/default.aspx](http://www.environment-agency.gov.uk/business/topics/waste/default.aspx)

<http://www2.defra.gov.uk/> includes the latest on the Coalition Government's plans to promote a huge increase in energy from waste through anaerobic digestion.

The Envirowise programme can supply information and assistance via its helpline on **0800 585 794**, or website: [www.envirowise.wrap.org.uk/templates/custom/page/home.aspx](http://www.envirowise.wrap.org.uk/templates/custom/page/home.aspx)

WRAP works in partnership to encourage and enable businesses and consumers to be more efficient in their use of materials and recycling: [www.wrap.org.uk](http://www.wrap.org.uk)  
**Helpline: 0808 100 2040.**

## Reap the benefits of reducing your waste and recycling more

Working with WRAP, we have developed a range of recycling signs in their colour-coded system

Other ranges include Glass, Building, Electrical, Textile, Automotive, Household, Hazardous and Paint

To order your WRAP Signs, call us FREE on **0800 585501** and press Option 1.



# Corporate Manslaughter

## Update

It is now more than two years since the Corporate Manslaughter and Corporate Homicide Act 2007 came into force, but so far the only prosecution has yet to reach court.



The case against Cotswold Geotechnical Holdings Limited relates to the death of one of its geologists, Alexander Wright, in September 2008, who was in the process of taking soil samples from inside an excavated pit when the sides of the pit collapsed, crushing him.

The case has now been adjourned until 24th January 2011 and the charges of gross negligence manslaughter against the company's managing director, Peter Eaton, have been dropped, due to his ill health.

However, in addition to the charge of Corporate Manslaughter, the company also faces a charge under Section 2(1) of the Health and Safety at Work Act 1974 for failing to safeguard health and safety, for which Eaton could still face imprisonment if found guilty.

Sally Roff, Partner and Head of the Safety, Health and Environment Group at law firm Beachcroft LLP, commented:

"There is little prospect of a significant fine being levied on any conviction and it is unlikely that there will be any meaningful guidance on how the Corporate Manslaughter Act is to be interpreted, particularly in terms of who, for the purpose of the Act, would fall into the definition of 'senior management'".

"Cotswold Geotechnical Holdings was a very small company and it is unlikely that there will be any detailed consideration of who constituted its senior management."

### About the Act

Advises Catherine Henney and Daniel McShee of Kennedys:

- The passing of the Corporate Manslaughter and Corporate Homicide Act 2007 to introduce a statutory offence of 'Corporate manslaughter' (called 'Corporate Homicide' in Scotland) came into force on 6th April 2008.
- Until then there was a common law offence only, which, in order for a company to be found guilty of, required the conviction of an individual person for gross negligence manslaughter and for that person to be so senior within the company that he represented its 'directing mind'.
- This requirement was known as the Identification Principle. The common law offence

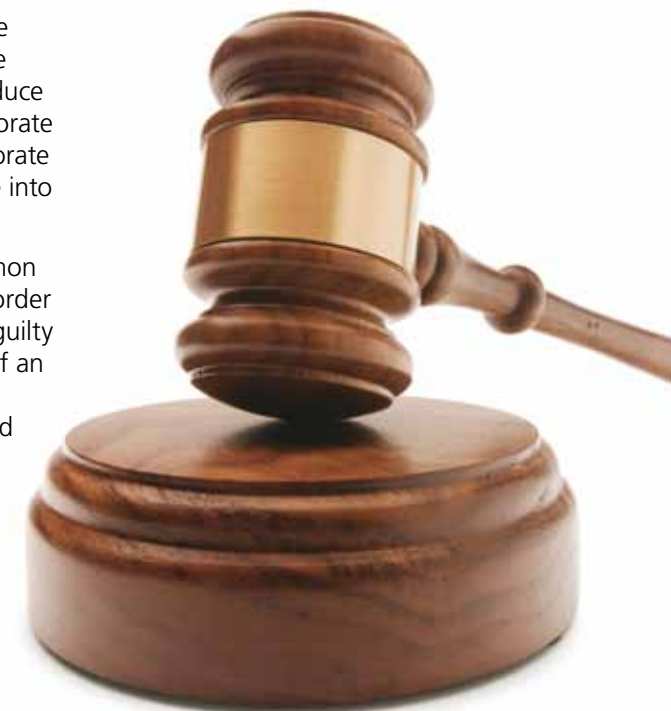
remains for any management failure resulting in an incident up to 6th April 2008, but not beyond that date.

- It is important to emphasise that the Act is an offence-creating statute rather than a duty-setting one.
- The Act itself imposes no new health and safety duties.

### Further information

Sentencing Council – Corporate Manslaughter and Health and Safety Offences Causing Death: Definitive Guideline:

[www.sentencingcouncil.org.uk/press/publications/2010/02/downloads/09-corp-manslaughter.pdf](http://www.sentencingcouncil.org.uk/press/publications/2010/02/downloads/09-corp-manslaughter.pdf)





# Carbon monoxide safety

According to the HSE, around 20 people a year die from Carbon Monoxide (CO) poisoning caused by gas appliances and flues that have not been properly installed, maintained, or that are poorly ventilated.

**Even levels that do not kill can cause serious harm to health if breathed in over a long period. In extreme cases, paralysis and brain damage can be caused as a result of prolonged exposure.**



Carbon monoxide is a colourless, odourless, tasteless, poisonous gas produced by incomplete burning of carbon-based fuels, including gas, oil, wood and coal. When it enters the body, it prevents the blood from bringing oxygen to cells, tissues, and organs.

To help combat the danger of CO poisoning, the HSE advises that:

- any work carried out in relation to gas appliances in domestic or commercial premises is to be undertaken by a Gas Safe Registered engineer, competent in that area of work
- gas appliances and/or flues are only installed and serviced by a Gas Safe Registered engineer

- there is enough fresh air in the room containing a gas appliance. If you have a chimney or a flue, ensure it is not blocked up and also ensure that vents are not covered; and
- if you have appliances that use other fossil fuels, make sure they are serviced and maintained by a competent person

## Legislation

- HSE and local authorities have joint enforcement responsibilities under the Gas Safety (Installation and Use) Regulations 1998.
- The Health and Safety at Work Act 1974 (HSWA) also imposes general duties on employers, the self-employed, controllers of premises, manufacturers and employees to ensure health, safety and welfare (see cases).

## CASE 1

### Worker dies of carbon monoxide poisoning in on-site flat

A Glasgow-based security firm has been fined £7,000 following the carbon monoxide poisoning of a man

employed as a security guard on a construction site in the city.

Thomas Fraser died of carbon monoxide poisoning at an on-site flat used as a base for employees. He had been working as a security guard for Alpha Group Security Ltd on a construction site.

Hamilton Sheriff Court heard that a portable power generator was used inside the flat but Mr Fraser had not been provided with proper instructions on its safe use.

The generator was operated inside the flat without appropriate ventilation and on 6th February 2008, Mr Fraser was overcome by a build up of carbon monoxide fumes and died.

Alpha Group Security Ltd pleaded guilty to breaching Section 2(1), 2 and 33 (a) of the Health and Safety at Work Act 1974.

Following the case, HSE Inspector, Adrian Tinson, said:

**“This tragic incident should never have happened. It is the clear duty of those who create risks to manage them and to implement safe systems of work.”**

## Does HSE recommend the use of carbon monoxide alarms?

HSE strongly recommends the use of audible carbon monoxide (CO) alarms as a useful back-up precaution although they must not be regarded as a substitute for proper installation and maintenance of gas appliances by a Gas Safe Registered engineer. Before purchasing a CO alarm, always ensure it complies with British Standard EN 50291 and carries a British or European approval mark, such as a Kitemark. CO alarms should be installed, checked and serviced in line with the manufacturer's instructions.

## CASE 2

### Fine for dangerous heater

A motor mechanics workshop ignored a Prohibition Notice, ordering it to stop using a dangerous gas heater which posed serious safety issues for customers and residents living in the connected buildings, as carbon monoxide fumes could be released into the workshop through the heater's exhaust flue.

An Inspector from the HSE issued the company with a Prohibition Notice requiring it to stop using the heater as the exhaust flue was directed inside the building, the electrical wiring system was unsuitable and the system required servicing by a competent gas engineer.

The Garage Bow Street Ltd pleaded guilty to breaching Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. Because it has now ceased trading, it was given a conditional discharge for six months and ordered to pay £500 towards costs.

## Further Information

HSE Gas Safety Advice Line  
**0800 300 363** (Freephone service)

CO-Gas Safety: **01372 466135**

[www.co-gassafety.co.uk](http://www.co-gassafety.co.uk)

## Carbon Monoxide Detector

Essential for avoiding the dangers of CO poisoning

Approved by BSI and fully certified to EN50291 with a 7 year warranty



Go to [www.legislationwatch.co.uk/prod199](http://www.legislationwatch.co.uk/prod199)

## CO Detector Patches

Easy to use patches are ideal where mains power is not available

Chemical compound progressively darkens the patch when CO is present

Each pack provides 8 months protection



Go to [www.legislationwatch.co.uk/prod200](http://www.legislationwatch.co.uk/prod200)



# Health and Safety Myths

# UNCOVERED

**Stories are always popping up in the headlines to give health and safety a bad name. We've heard about egg boxes being banned in craft lessons at school and even trapeze artists having to wear hard hats. Thanks to a TUC report, we've managed to uncover the truth behind some of the stories that have appeared in the headlines over the past few years.**

## Myth 1

Health and safety regulations now ban the use of ladders.

## Truth

This story reappears regularly. In fact, there is no ban on ladders provided they are used securely and appropriately. There are regulations to ensure that people use ladders safely but this is to reduce the number of workers seriously injured or killed falling off ladders every year.



## Myth 2

Small businesses are being strangled by over-inspection and over-regulation.

## Truth

The average small business is likely to be visited by a health and safety inspector around once every 20 years. Even larger businesses, except for high hazard ones, are visited

on average every 10 years. Small businesses are even exempted from some regulations. Hardly a huge burden.

## Myth 3

There are now more regulations and red tape than ever.

## Truth

In actual fact, there were more than twice as many health and safety regulations and laws 35 years ago than there are today. The legislation that remains is now generally simpler and easier to understand.

## Myth 4

Trapeze artists will be forced to wear hard hats.

## Truth

This story has appeared several times over the past few years. Sometimes the ban is blamed on European Legislation, other times on the new Work at Height Regulations. This is of course complete nonsense. The reason that hard hats are worn is to prevent people being hit from falling objects – not to protect you if you fall. A related story is that the Work at Height Regulations would mean that safety signs have to be erected on the side of Snowdon. Again there is no truth in this.



## Myth 5

A church had to spend £1,300 to change their light bulbs because of health and safety regulations.

## Truth

The church in question was St Benet's in Norfolk. It was reported that because of new health and safety regulations, electricians now had to put up scaffolding every time they wanted to change a bulb. It turned out that the electricians were not just changing light bulbs but replacing all the light fittings. The electrician made it clear that the use of scaffolding was standard practice.

## Myth 6

Firefighter's poles have been banned on health and safety grounds.

## Truth

This seems to have arisen from a case in Devon where it was reported that, to avoid the risk of injury when sliding down it, a new fire station had not been equipped with a traditional pole. The truth was that the fire station did not have a pole because of space restrictions. There are no regulations banning the use of poles in fire stations.



## Myth 7

School children are not allowed to use cardboard egg boxes in craft lessons on health and safety grounds.

## Truth

This probably related to a decision by East Sussex County Council to issue a circular indicating that there were no problems in using both egg boxes and toilet rolls as long as they were clean looking. This is standard guidance within education and makes perfect sense.

## MYTH

## Half-truths

These are some stories which are based on an actual event but the actual circumstances are completely different from what was reported.

## Half-truth

Schools have banned conkers.



## Truth

This story more than any other epitomises the trivialisation of health and safety. In fact two schools are known to have asked children not to bring conkers in on the advice of

doctors as children had severe nut allergies. In addition, one primary school head teacher brought in safety goggles for his pupils to play conkers. However, he stated that the reason behind this was to make a statement over the increased fear of litigation. This point seems to have been lost on the media.

## Half-truth

Local councils have banned hanging baskets on health and safety grounds.



## Truth

This probably relates to Bury St Edmunds where the borough did briefly remove hanging baskets because of concerns that some

lampposts the baskets were hanging on were unstable. As soon as they had checked the lampposts, the hanging baskets were replaced. There are still hanging baskets in Bury St Edmunds.

## Half-truth

A fancy dress festival in Wales was cancelled because the organisers were told they would have to employ an extra 60 stewards on health and safety grounds.

## Truth

This came about due to the Lleni fancy dress festival in



Powys where the organisers simply misunderstood the regulations. There is no health and safety requirement for the organisers of events such as this to employ stewards. They could quite easily have used volunteers as they had in the past.

## Half-truth

During the Battle of Trafalgar commemoration, the actor playing Nelson had to wear a life jacket over his costume.

## Truth

To get to the event which was marking the bi-centenary of the Battle of Trafalgar, the actor playing Nelson was transported using an RNLI lifeboat. This was a modern lifeboat and the RNLI asked him to wear a life jacket during the trip. Given that he was in an RNLI lifeboat and not HMS Victory, at the time it is unlikely that the life jacket would have looked out of place.



## ...and one other truth

Britain is a better and safer place because of health and safety regulation. Since the Health and Safety at Work Act was introduced, the number of deaths caused by work related accidents have fallen by over 75%. The rate of fatalities is now one of the lowest in the world and much of that is because of strong, sensible regulations.



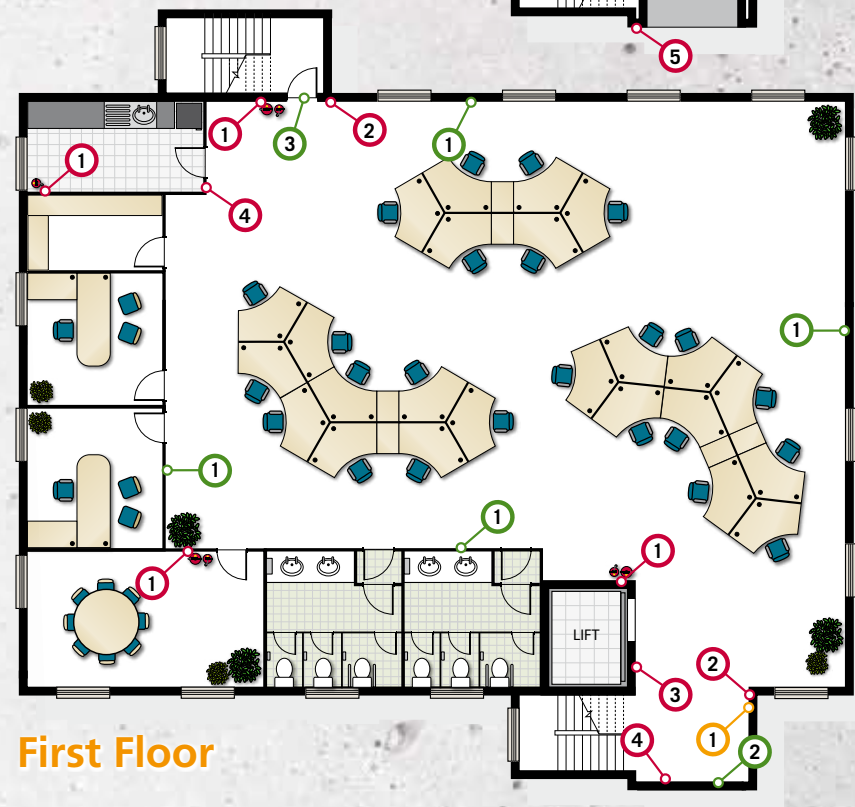
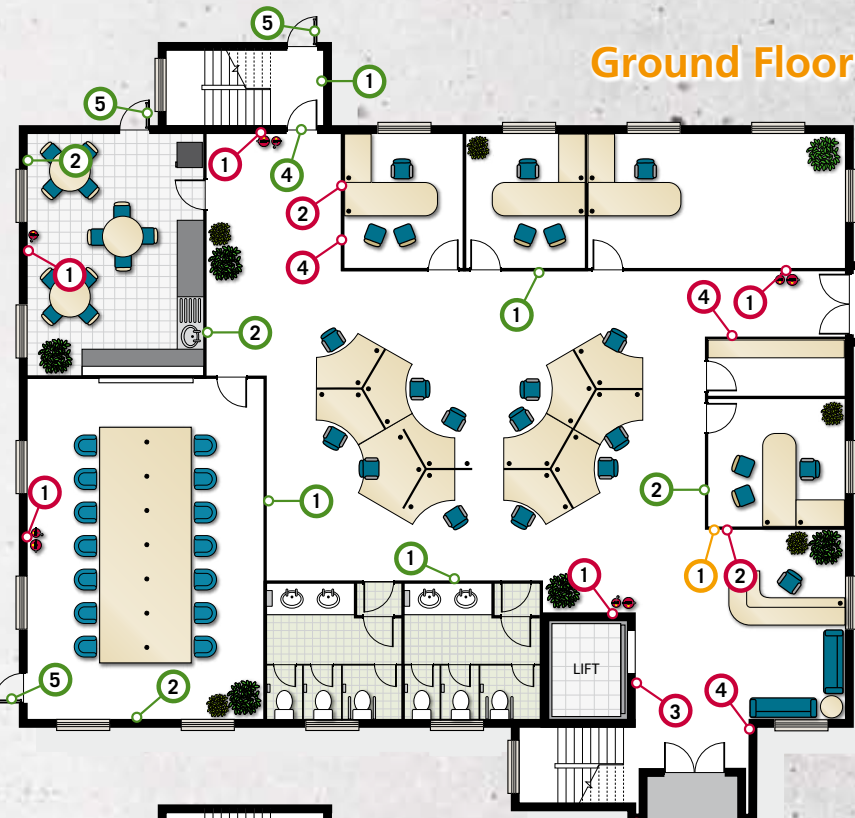
# A 'Where to' guide for Safety Signs

This guide is designed to help you understand which Safety Signs are required by Law around your workplace and where to locate them.

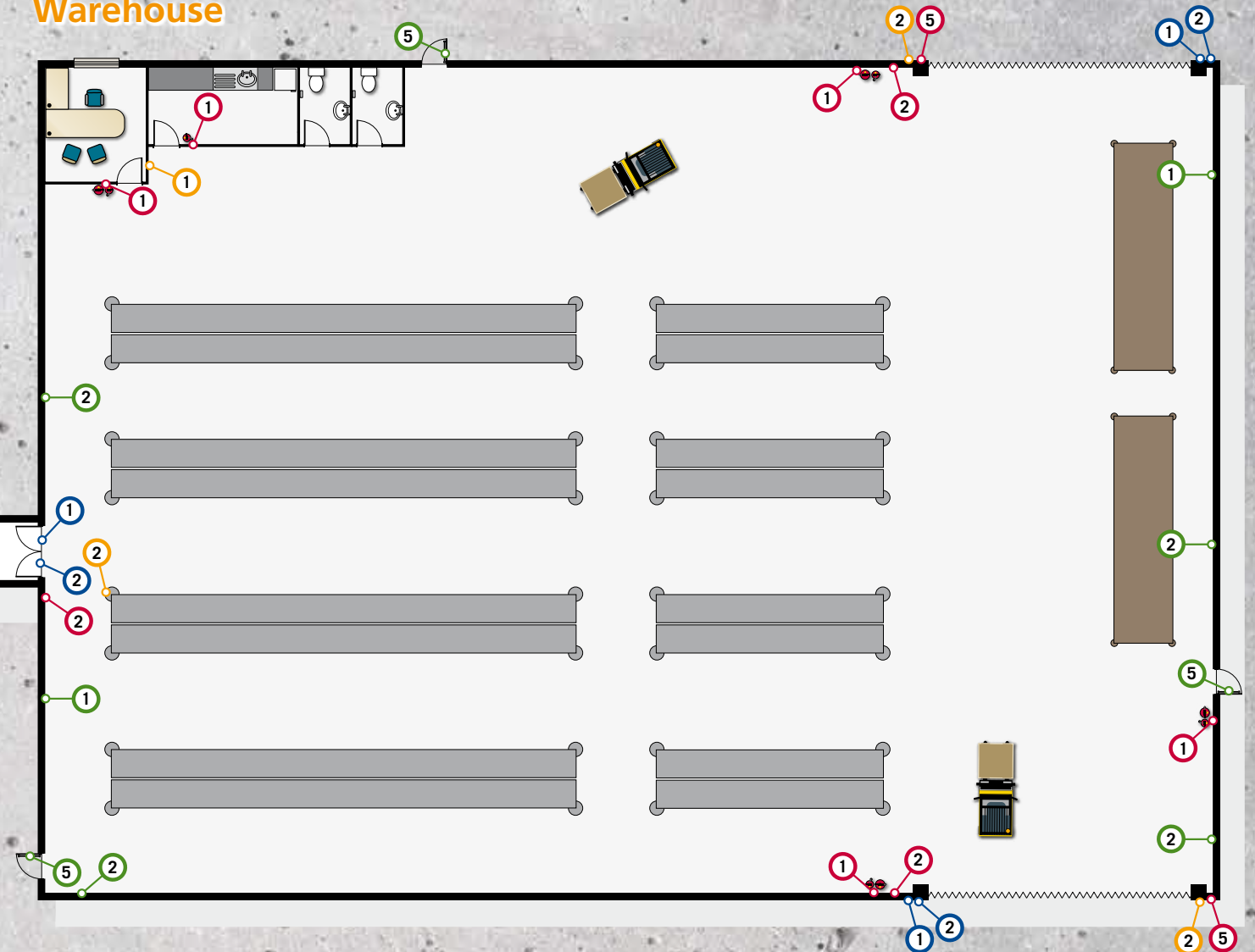
Please note that this is to be used as a guide only – for further information please contact our sales team.

## Ordering your Safety Signs

It's easy to place an order for any of our Safety Signs! Simply call our Freephone Orderline on **0800 585501** and press Option 1 where a member of our sales team will be happy to assist.



## Warehouse



### Fire exit and emergency escape signs



### Fire and emergency signs



### Mandatory signs



### Information and hazard signs





# Q&As

Legal and health and safety questions  
answered by the experts at Workplace Law.

**Q.** What are the minimum / maximum penalties for an individual / company for failing to comply with safety at work regulations?

**A.** New penalties came into force in January 2009 for breaches of health and safety legislation. The Health and Safety (Offences) Act 2008 not only increases fines for health and safety offences, but also allows for custodial sentences to be imposed for a wide range of breaches in both Magistrates and Crown Courts.

**Q** ■ Is there any limit to the amount of time a person can stand at work?

**A.** There is no time limit on how long a person can stand at work; your risk assessment will identify the level of risk and the control measures necessary – for example, how often a change of task is required where the person is able to sit down. Standing for a long period of time is a valid hazard that needs to be monitored and risk assessed. Consider if the activity requires any manual handling operation and if so identify if any awkward postures are required, the space around the worker, the pressure of time and the load that is being handled, the work environment such as the floor surface, and whether it is hot, cold or humid, and finally the individual's capabilities, considering health problems, clothing and strength (every person is different).

**Q** ■ Where does an employee stand if they do not want to work with a dangerous chemical? Can the employer force you to use it? e.g. Hydrofluoric Acid?

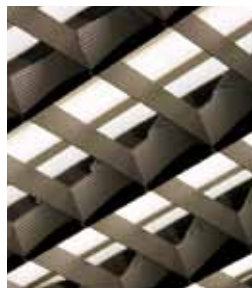
**A.** Yes, employees can refuse to carry out a task. By law the employers must ensure the health and safety of their employees so far as is reasonably practicable, and as the risks of injury or ill health caused by using hazardous chemicals can be significant, the employer has a greater duty to control these risks. Similarly, employees have a duty to ensure their own health and safety, and performing a task which they know, or suspect, may cause injury (or ill health) is a breach of that duty.

With the appropriate management of the task, e.g. risk assessment, PPE, training and awareness of the risk, the employee may feel happier and more confident about undertaking the task.

**Q** ■ If you work with DSE for the full working day, what lighting is required in the building? Is strip fluorescent lighting still legal or should it be replaced?

**A.** Strip fluorescent lighting is legal; in fact most office environments use it, but when you carry out your DSE assessments it's important to check the level of lighting and glare to avoid eye strain and fatigue. Ask the user if they feel any discomfort with the level of lighting, consider the location of task lighting (an individual light on each desk) and avoid any glare by repositioning the workstation or using curtains.

**work  
place  
law** ♥  
hr, health and safety



# Double Puzzle Competition

## Win a TomTom!

**Simply unscramble each of the clue words (they're all related to articles within this magazine).**

**Copy the letters in the numbered cells to the cells with the same number at the bottom of the page. You'll be left with a two word phrase.**



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## TomTom Start 3.5" IQ Satnav for UK & Europe

**Closing date for entries is 18th February 2011**

**For Terms and Conditions please go to  
[www.legislationwatch.co.uk/competition](http://www.legislationwatch.co.uk/competition)**

## Competition Winner

Congratulations to Catherine Payne at Eddie Stobart, winner of the Camcorder in the Autumn issue.

**Have you got a Legal or Health & Safety question you'd like answered by the experts? Email [cheryl@seton.co.uk](mailto:cheryl@seton.co.uk) and you might see it published in the next issue!**

**How to Enter:** Simply go to [www.legislationwatch.co.uk/competition](http://www.legislationwatch.co.uk/competition) and submit your answer!



# NEWS ROUND UP

**Construction danger**

New statistics released by the HSE show Construction is still one of Britain's most dangerous industries – despite a fall in the number of recorded deaths and injuries. The data was published as HSE received formal notification of six construction deaths in a week, one of the worst periods in recent times it said.



**Smoking time**

Employers have been urged by a lawyer to ensure they have the right policies in place when introducing new rules on their staff. Ed Cotton, a Partner at Irwin Mitchell, issued the warning as it emerged that Breckland Council in Norfolk has introduced new rules calling on workers to clock out every time they choose to take a cigarette break.



**Machine guard**

The owner of a Bristol lighting company has recently been fined £20,000 after an employee was injured by machinery that was not properly guarded. Darren Wring, trading as Fineline, pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998. He was also ordered to pay costs of £1,800.



**Paper trial**

The UK's largest waste paper recycling company has been convicted of misleading the Environment Agency over the quality of effluent discharged from its papermill into a Devon river. A technical manager at St Regis Paper Co Ltd was also found guilty of falsifying records at the end of a six-day trial at Exeter Crown Court.



**Noise ruling**

Employers are being warned to take into account the effect noise could have on employees, following a six-figure out-of-court settlement case. Former teacher, Joyce Walters, was recently awarded £145,000 by Hillingdon Council after developing a permanent voice injury brought on by speaking loudly over continuous noise.

**Safety concerns**

Health and safety body IOSH has expressed concerns about the negative effect public sector spending cuts could have on workers' health and safety. It argues reducing staffing levels, combining departments and changing people's roles and responsibilities could increase the risk of injury if not properly managed.



**First aid critical**

Employers are being urged to recognise first aid as part of their corporate social responsibility (CSR), not just as a legal requirement. Research from St John Ambulance reveals that each year up to 150,000 people die in situations where first aid could have given them a chance to live.



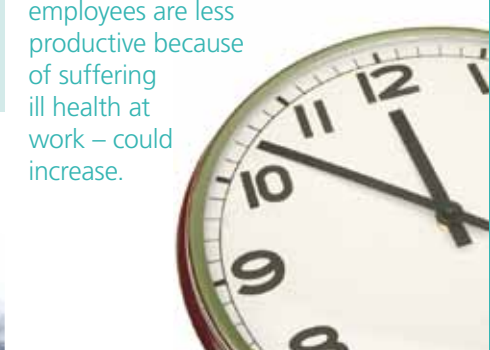
**Stressed out**

Millions of British workers feel forced to lie to their bosses about having to take stress-induced sick leave, new research has revealed. A study by leading mental health charity, Mind, released to coincide with a recent Stress Awareness Day, finds that talking about workplace pressures remains taboo.



**Long hours culture**

Bosses must beware of the signs of 'presenteeism' among workers as austerity measures begin to bite across the public and private sectors, the Institution of Occupational Safety and Health (IOSH) has warned. It says cases of 'presenteeism' – where employees are less productive because of suffering ill health at work – could increase.



**Hepatitis case**

A healthcare worker at a Worcestershire hospital contracted the Hepatitis C virus after injuring herself on a needle used to take blood from an infected patient. The HSE investigation found the employee was not made aware of the patient's infection status until after the injury occurred and was not supervised during the procedure.



**Bus fine**

A bus company has been fined £97,000 for allowing its drivers behind the wheel without taking enough rest and failing to keep records of work. VOSA (Vehicle and Operator Services Agency) officers discovered the company had failed to ensure that their drivers took adequate rest whilst carrying local school children and students from Nottingham and Trent Universities.

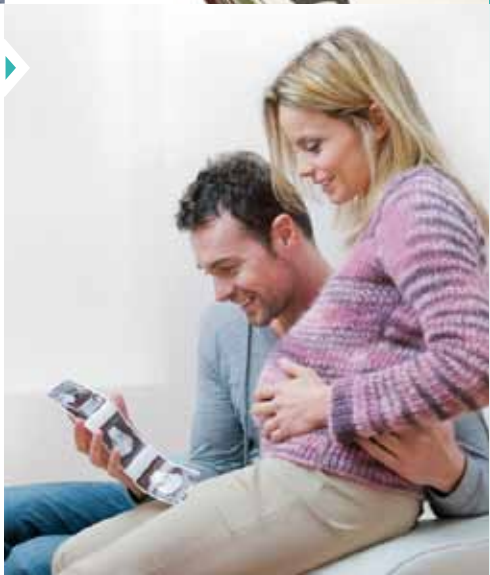


**Half workplaces inspected**

Almost half (49%) of workplaces in the UK have never been visited by a health and safety inspector, according to the TUC's biennial survey of safety reps. Nearly one in ten reps (9%) report their last workplace inspection was more than three years ago, while a further 15% say it was between one and three years ago. Only around a quarter (27%) had received a visit within the last 12 months.

**EU maternity rights**

THE EU parliament has voted for measures designed to strengthen maternity protection. Key proposals include 20 weeks' full maternity pay, and women not obliged to perform night work or overtime ten weeks prior to childbirth, during the remainder of the pregnancy, where the mother or the unborn child have health problems, and during the entire period of breastfeeding.



**Gas safety warning**

A major pub chain has been fined £300,000 after a Merseyside landlord died from carbon monoxide poisoning, and tenants at another 474 pubs were put at risk. Paul Lee was found unconscious by a cleaner at the Aintree Hotel on Aintree Road in Bootle just after midday on 12th November 2007. He had turned on a gas fire in his living room ten hours earlier, before falling asleep.





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