

LegislationWATCH

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



Driving for Work

Every day more than 150 vehicles driven on company business are involved in accidents. Lessen the risks to your employees and business – see pages 6-19.

Inside this issue...

Perimeter security and risk assessment



Flood risk management



No one's too small to COSHH



**SAFETY
MADE
EASY™**

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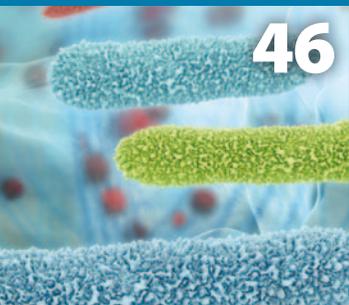
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Letter FROM THE EDITOR



Driving for work probably isn't the first thing that springs to mind when you think of dangerous work activities. But in fact, the risks are so high that each year more than 14,000 road deaths and serious injuries involve people at work. Simply having a valid MOT certificate for vehicles and valid driving licences for employees is not enough to manage the various risks involved. Our

articles on pages 6-19 cover everything from managing occupational road risk to using the vehicle as a workplace. We have also created some useful tools for your business such as a downloadable Training Tool presentation (page 19) and a company driver health and safety checklist (page 42) that you can quickly implement into your company policy.

Also in this edition, it's a common misconception that small businesses don't need to comply with COSHH. That couldn't be further from the truth. From hairdressers to builders, if chemicals are used then there is a risk to be assessed. Take a look at page 26 to see why almost every business needs to ensure they comply.

The security of your business should be a top priority; not only to prevent expensive losses, but so your business can continue to operate in a normal manner should theft, criminal damage or even arson become a threat. The key is to ensure the cost is kept proportionate to the risk – read our comprehensive guide on page 22.

As always, if you have any feedback or suggestions we would love to hear from you, email us at legislationwatch@seton.co.uk. Don't forget if you have a health and safety question you need answering, Ask the Expert! Simply go to www.legislationwatch.co.uk.

Happy reading!

Cheryl Peacock
Editor

P.S. Don't forget to look out for your next magazine in May 2014.

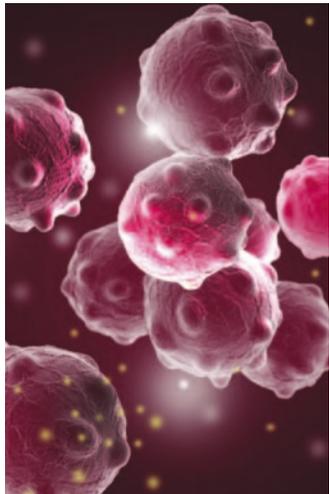
Legal UPDATE

In his November 2011 review on health and safety legislation, Professor Ragnar Löfstedt identified a number of Approved Codes of Practice (ACOPs) for review and revision, consolidation, or withdrawal. Following months of consultation, HSE has now published a number of revised ACOPs in line with the report's recommendations.

Revised Legionnaires' disease Approved Code of Practice and guidance

The HSE has revised and republished the ACOP L8 Legionnaires' Disease. The Control of Legionella Bacteria in Water Systems along with the accompanying guidance document HSG274 Legionnaires' Disease Technical Guidance.

This fourth edition of the ACOP L8 contains revisions to update, simplify and clarify the text. The main changes are removing Part 2, the technical guidance, which is published separately in HSG274, and giving the following issues ACOP status:



- Risk assessment
- The specific role of an appointed competent person, known as the "responsible person"
- The control scheme
- Review of control measures
- Duties and responsibilities of those involved in the supply of water systems.

HSG274 Legionnaires' Disease Technical Guidance, currently online, gives practical advice on the legal requirements of the Health and Safety at Work Act 1974, the Control of Substances Hazardous to Health Regulations 2002 concerning the risk from exposure to legionella and compliance with the relevant parts of the Management of Health and Safety at Work Regulations 1999.

The guidance is in three parts.

1. The control of legionella bacteria in evaporative cooling systems
2. The control of legionella bacteria in hot and cold water systems. Interim guidance
3. The control of legionella bacteria in other risk systems

The hard copy edition of HSG274, including revised guidance on hot and cold water systems, and a revised online version of Part 2, will be published this year (2014).

Highlighting the benefits of the change, Lorraine Medcalf, HSE's Legionella Policy Lead, said, "The revised ACOP provides



greater clarity for duty holders on what constitutes legal requirements and what is guidance. Where possible, we have simplified terminology. The review also enabled us to update technical guidance to incorporate technological advancements and separate it from general guidance on the regulations, making it available on our website."

Revised COSHH ACOP

The HSE has also published a revised ACOP to clarify and simplify practical advice on compliance with the requirements of the Control of Substances Hazardous to Health (COSHH) regime.

The sixth edition of the ACOP, L5 Control of Substances Hazardous to Health, is aimed at management, supervisory staff, safety representatives and technical specialists such as occupational hygienists and consultants.

Specific revisions include:

- Updating to take account of legislative changes such as the introduction of the EU Regulations for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and the Classification, Labelling and Packaging of substances and Mixtures (CLP) systems
- Updating and amending to reflect other ongoing reviews of technical guidance associated with COSHH, e.g. for local exhaust ventilation (LEV) and on health surveillance
- Clarification of the maintenance, examination and testing of control measures and local exhaust ventilation (LEV), explaining that the legal duty to keep a suitable record of examinations and tests lies with the employer and not with any service provider or consultant
- Removal of guidance on the principles of good practice from Schedule 2a of the ACOP, with repositioning, either next to the relevant regulation or separately on the HSE website
- Clarification of specialist terminology where possible
- Amending of information concerning worker involvement and consultation for consistency with that in other ACOPs.



The revised publication was subject to consultation and has now received HSE Board and ministerial approval.

However, the HSE has emphasised that legal responsibilities to protect workers' health and safety are not altered by any changes to ACOPs.

Revised ACOP for Workplace Regulations

The HSE has updated its Approved Code of Practice (ACOP) on the Workplace (Health, Safety and Welfare) Regulations 1992.

The update follows a consultation on the ACOP, which was designed to make it easier for employers, building owners, landlords and managing agents to understand and meet their legal obligations and so reduce the risks of over-compliance.

The Workplace (Health, Safety and Welfare) Regulations 1992 cover a wide range of basic health, safety and welfare issues and apply to most workplaces except for those involving work:

- On construction sites
- In or on a ship
- Below ground in a mine.

The HSE has emphasised that legal

responsibilities to protect workers' health and safety are not altered by any changes to the ACOP.

The revisions from the previous edition (published in 1992) include:

- Simplifying the language to clarify what duty holders must do to comply with the Workplace (Health, Safety and Welfare) Regulations 1992
- Updating the ACOP to include the provisions of the Health and Safety (Miscellaneous Amendments) Regulations 2002
- Improving guidance and referring to the most up-to-date and relevant standards for advice
- Removing out-of-date duties and requirements that are superseded by more recent legislation.

Commenting on the new ACOP, L24 Workplace Health, Safety and Welfare, Chris Rowe, HSE spokesman, said, "Across HSE we are working hard to ensure that employers have access to good quality advice which makes clear what they need to do to protect workers. The revised ACOP has not only been updated, it will help employers understand the regulatory requirements on key issues such as temperature, cleanliness, workstations and seating, toilets and washing facilities."

OCCUPATIONAL ROAD RISK AND Corporate Manslaughter

An insurance company has released the results of a recent study, warning that many businesses with company vans are at risk of prosecution in the event of an accident, because they are unaware of the requirements of the Corporate Manslaughter and Corporate Homicide Act 2007. It illustrates the larger issue of how occupational road risk relates to corporate manslaughter legislation.

AXA Study

The study was carried out by the AXA Business Insurance, five years on from the introduction of the 2007 Act, and concluded that many businesses with company vans are “not following the most basic of steps” to protect themselves against potential prosecution. The Act enables the criminal prosecution of a private company if the way in which that company’s activities are organised or conducted causes someone’s death.

Estimates suggest that a third of all traffic accidents in the UK involve someone who is at work at the time and may account for more than 20 fatalities a week.

Yet the study from AXA suggested that among 300 businesses with vans, nearly half (45%) are totally unaware of the term “corporate manslaughter”.

As well as a general lack of awareness, the research from AXA revealed three main areas of concern in the way businesses manage their vans, namely:

- Poor administration in relation to the paperwork for drivers and vehicles such as of drivers’ licences, van MOTs and insurance details
- Unchecked damage to van bodywork and windscreens, including minor dents, but also other more serious areas of damage
- A casual attitude to core maintenance required to keep vehicles safe, for example with regard to servicing of vehicles and other checks.

Commenting on the survey, Darrell Sansom, Managing Director at AXA Business Insurance said, “Corporate manslaughter is a very serious charge that carries an unlimited fine. While the number of businesses who are simply unaware of its existence is alarming, our research shows that negligence is apparent among those who are both aware and unaware. We want to warn businesses that keeping on top of relevant HSE legislation is vital to avoid leaving themselves exposed.”

Continued... →



Corporate manslaughter

When the Corporate Manslaughter and Corporate Homicide Act 2007 came into force there was a strong response by the fleet management industry, who felt that the new legislation had wide ranging implications.

However there have only been a small number of successful prosecutions under the Act, none of which relate to driving, although there are a large number of cases that have either been settled before appearing in court or waiting further action by the Crown Prosecution Service.

In order to prove a charge of gross negligence manslaughter, the following elements must be present:

1. The accused must owe a duty of care to the victim. The ordinary principles of the law of negligence will apply in ascertaining whether such a duty exists.
2. The accused must have breached that duty. This could be neglect of a

positive duty arising from the nature of his occupation.

3. The breach must have caused the death of the victim. This is a question of fact that the jury has to decide.

4. The breach must be characterised as gross negligence or recklessness.

The first point would be straightforward to demonstrate in the relationship between employer and employee but harder to do so should a member of the public have been killed e.g. if an employed driver cause the death of another road user. The risk must also have been reasonably foreseeable.

The second point would largely rely on the circumstances of the incident; if the accident is pure circumstance when using the road or is down to the employee's own actions then gross negligence manslaughter will likely not apply.

The third point would be especially difficult to prove in the event of a road traffic accident, given that the circumstances of road travel are partly

beyond the control of the employer e.g. traffic, roadworks, other road users and state of road. Issues such as driver fatigue and state of vehicle may be relevant, especially if the driver has been directed by the organisation to work and drive long hours. Fatigue could be an issue beyond occupational driving – if the employee has insufficient rest due to work which results in an accident due to fatigue then prosecutors may argue that the organisation is liable.

The last point is largely down to the organisation's safety culture. A one-off lapse of judgement or an employee failing to carry out a task would likely not result in a successful demonstration of corporate manslaughter. Instead prosecutors would be looking for evidence of a reckless indifference to an obvious risk. Again driver fatigue or poorly maintained vehicles could be significant issues.

For further information on corporate manslaughter/homicide see HSE's site www.hse.gov.uk/corpmanslaughter/



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MANAGING OCCUPATIONAL

Road Risk

Every day of the year, more than 150 vehicles driven on company business are involved in accidents. Here we discuss what you can do to lessen the risks to your employees and business.

In the first half of this year 1790 people were killed in reported road accidents and estimates suggest that 25–30% of such fatalities are in accidents involving someone at work. Every year, there are 14,000 road deaths and serious injuries involving people at work.

Some employers believe that, providing they comply with the relevant road traffic legislation – for example, their vehicles have valid MOT certificates and their employees have valid driving licences – this is enough to ensure the safety of their employees while driving for work. Nothing could be further from the truth. The requirements of the Health and Safety at Work, etc Act 1974 apply to employees driving for work. So, too, do the requirements of the Management of Health and Safety at Work Regulations 1999. Employers must risk assess their driving for work activities and manage those risks effectively within a safety management system.



In addition, the Corporate Manslaughter and Homicide Act 2007 applies to driving for work, and consequently charges of corporate manslaughter are possible in the event of work-related road deaths. So, too, are charges of gross negligence manslaughter against individuals.

How to manage work-related road safety

Work-related road safety must be incorporated into an organisation's safety management system and dealt with in the same way that all work-related risks are managed.

The essential starting point is to establish a clear policy for managing work-related road safety. Such a policy must:

- Be genuinely supported by senior personnel
- Set out clear responsibilities and roles for all those involved
- Describe the procedures and systems that need to be followed
- State the arrangements in place for monitoring compliance
- Set out the arrangements in place for monitoring the effectiveness of the policy.

Risk assessments for work-related road safety should be carried out using the same principles as any other work-related risks. There are many resources available that can help when considering the practical aspects of implementing road safety measures. Such risk assessments must consider not only the use of company-owned vehicles but also the so-called "grey fleet": that is, the use by employees of their own vehicles for company use.

Key considerations

Drivers

Drivers must be competent and capable of driving the vehicle they are required to drive for work. This may include holding the appropriate driving licence; organisations should make a check on this requirement on a regular basis. Additional training for drivers may also be necessary to ensure competence. This may include "defensive driving" training, or similar techniques. Online assessments of drivers are also available.

Drivers must be sufficiently fit and healthy to drive safely and not put themselves or others at risk. A recent report published by Brake, the road safety charity, found that road crashes caused by poor driver vision result in an estimated 2900 casualties each year at a cost of £33 million per year. Brake is calling for drivers to have mandatory retesting of their eyesight every 10 years after the start of their driving career. Organisations need to consider their employees' fitness to drive, together with their eyesight.

Journey planning

Almost 20% of accidents on major roads are sleep-related, and these accidents are more likely than others to result in a fatality or serious injury. Peak times for such accidents are in the early hours and after lunch. Interestingly, men under the



age of 30 have the highest risk of falling asleep at the wheel.

Journeys for work should be planned to include a 15-minute break every two hours. Long trips between midnight and 6am should be avoided, and organisations need to consider overnight stays to prevent driver fatigue. Organisations might also decide to implement maximum driving times for their employees unless these are already prescribed, e.g. for HGV drivers. Work schedules need to be realistic. Adverse weather conditions should also be taken into account.

Vehicles

Vehicles must be maintained and in a condition that is fit for use. This goes beyond the annual MOT requirements for vehicles, and should include regular vehicle checks together with checks for the "grey fleet". Drivers should be provided with information that will help them to reduce risk, such as recommended tyre pressures and tyre safety.

Vehicles also need to be suitable for the purpose for which they are to be used. For example, consideration needs to be given to the carriage of goods and equipment, which may need to be safely stored for transportation. A saloon car with a small boot may not be suitable if equipment has to be stored on a back seat, as opposed to safely in a boot.

Vehicles should be properly and appropriately insured. This includes those employees using their own vehicles for business use.

In-car distractions

There are many items and activities within a vehicle that can divert a driver's attention away from the road. This includes operating in-vehicle devices such as CD players and satellite navigation systems, along with mobile phones, eating and drinking, etc. Organisations need clear policies on these issues.

The benefits

There are many benefits to be had from incorporating driving for safety into an organisation's safety management system. For example, time and resources are saved in terms of:

- Investigating and dealing with accidents
- Dealing with insurance companies
- Insurance premiums
- Dealing with employee injuries and medical treatment.

The successful management of work-related road risk can also reduce the chance of civil claims and fines from prosecutions.

Most of all, managing work-related road safety can save lives and avoid serious injury. The statistics speak for themselves. Driving for work is one of the most dangerous of work activities, and one that must be carefully considered and dealt with.

THE VEHICLE AS WORKPLACE:

Driver Ergonomics

Workers who spend a lot of time behind the wheel are often overlooked when it comes to workplace ergonomics even though their 'workstation' is less adjustable than those found in offices and other buildings.

Furthermore with recent technological advances in areas such as smartphones and tablet computers greatly increasing our capability for work while away from the workplace, vehicles are increasingly being used as mobile offices.

While this kind of flexibility can bring obvious business benefits it also comes with its own Health and Safety risks; ergonomics experts warn that drivers could be risking serious long term muscle, joint and spinal injuries.

Here we look at the ergonomic issues associated with drivers and what we can do to manage them properly.

Risk assessment

When undertaking an occupational driving risk assessment we can split it into three main elements: driver, vehicle and journey, the first two having the most bearing on ergonomics.

Naturally it is important to consider the driver's physical characteristics e.g. height and size. Pre-existing medical conditions should also be taken into account. Musculoskeletal disorders such as back pain, sciatica and tendonitis are obvious problems but we should also consider the less obvious such as circulatory problems; a mixture of sedentary working and pressure to the backs of the legs such as that from a car seat can inhibit blood flow.

Pregnancy can also have a significant impact on ergonomics, not only because

of the increasing size of the bump but also from softening of the ligaments and susceptibility to other pregnancy-related problems. As the pregnancy progresses, it is reasonable to look at reducing expected driving times e.g. by starting to reassign work that is further away to other colleagues in preparation of maternity leave.

Also it is important to bear in mind the work the driver will be carrying out when not driving such as loading and unloading. Manual handling assessments should cover these activities.

In terms of the vehicle, it is important to provide a suitable type of car for the individual and the type of work they are required to do. Adjustability is key, particularly if the vehicle is shared between workers.

DSE assessment?

While the HSE Approved Code of Practice and Guidance to the Health and Safety (Display Screen Equipment) Regulations (DSE Regulations) is lagging behind somewhat in technological terms, the DSE Regulations will cover the use of laptops, netbooks, smartphones and tablets.

However, as with any item of display screen equipment, it will depend if the worker is classified as a 'user' i.e. if they habitually work with the equipment for more than an hour per day as to whether a specific DSE assessment is required under the Regulations.

There is also a recent trend towards 'BYOD' – bring your own device. This is more difficult for employers to manage as employees may not always notify their employer that they are using the equipment, even though it is being used for work.

Adjustment of seating

In order to avoid repetitive driver injury, drivers should be trained to adjust their car seats properly. A suggested sequence of adjustments is as follows.

- Raise the seat as high as is comfortable to improve vision of the road.
- Check there is adequate clearance from the roof.
- Ensure there is maximum vision of the road.
- Move the seat forwards until it is possible to easily fully depress the clutch pedal and accelerator pedal.
- Adjust seat height as necessary to give good pedal control.
- Adjust the cushion tilt angle so that thighs are supported along the length of the cushion.
- Avoid pressure behind the knee.
- Adjust the back rest so it provides continuous support along the length of the back and is in contact up to shoulder height — approximately 30° reclined from vertical.
- Avoid reclining the seat too far as this can cause excessive forward bending of the head and neck, and may result in sliding forwards on the cushion.
- Adjust the lumbar support to give even pressure along the length of the back rest.
- Ensure lumbar support "fits" the back and is comfortable, with no pressure points or gaps.
- Adjust the steering wheel rearwards and downwards for easy reach.
- Check for clearance for thighs/knees when using pedals.
- Ensure display panel is in full view and not obstructed.
- Adjust the head restraint to ensure the risk of injury is reduced in the event of a car accident.

NEW DRIVING Penalties

In August 2013, new measures for on-the-spot fixed penalty notices for drivers who put other road users at risk with careless driving offences, such as tailgating or middle lane hogging came into force.

The changes are designed to give the police greater flexibility in dealing with less serious careless driving offences, freeing them from resource-intensive court processes at the same time.

The fixed penalty for careless driving is £100 with three points on the driver's licence. The most serious examples will continue to go through court, where offenders may face higher penalties. In some cases the police will also be

able to offer educational training as an alternative to endorsement.

In addition, existing fixed penalty levels for most motoring offences, including using a mobile phone at the wheel and not wearing a seat belt, rose to £100 to bring them into line with the penalties for similar non-motoring fixed penalties.

Drivers will still be able to appeal any decision in court.

Mr Hammond said: "Careless drivers are a menace and their negligence puts innocent people's lives at risk. That is why we are making it easier for the police to tackle problem drivers by allowing them to immediately issue a fixed penalty

notice rather than needing to take every offender to court.

We are also increasing penalties for a range of driving offences to a level that reflects their seriousness and that will ensure that they are consistent with other similar penalty offences."

The changes were introduced following extensive public consultation with road safety groups and police forces.

Charities welcome spot fines for careless driving

The road safety charity Brake and the Royal Society for the Prevention of

"We are also pleased to see a much-needed rise in driving offence fines, but think this doesn't go far enough... £100 is not enough to pose a strong deterrent to potentially life-threatening behaviour, like using a mobile at the wheel."

Accidents (RoSPA) have both welcomed the new penalties.

Julie Townsend, the Deputy Chief Executive of Brake, said, "We welcome the introduction of on-the-spot fines for careless driving, to make it easier for police to catch and prosecute risky law-breaking drivers. We are also pleased to see a much-needed rise in driving offence fines, but think this doesn't go far enough... £100 is not enough to pose a strong deterrent to potentially life-threatening behaviour, like using a mobile at the wheel."

The charity is also calling on the Government to stem "worrying" cut-backs in traffic policing levels, arguing

that traffic policing should be made a national policing priority, to ensure sufficient numbers of officers enforcing vital safety laws on roads.

The charity RoSPA also welcomed the changes, with Kevin Clinton, the organisation's Head of Road Safety, calling for clarity on the subject, and pointing out, "there is a certain amount of subjectivity in deciding what constitutes 'careless driving' and what is sufficiently minor and suitable for a fixed penalty and what is more serious, meriting prosecution in court... Therefore, we hope to see a clear definition of the sorts of 'careless driving' that may result in a fixed penalty notice and the reasons why, publicised widely".

Driving while using a mobile phone

Since 1st December 2003, it has been an offence to use a mobile phone while driving or controlling a vehicle on the road.

The use of mobile phones not only while "driving" but also at traffic lights, in a traffic jam, in slow-moving traffic or when supervising a provisional driver was prohibited by the Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003.

Two-way radio systems that are in use by the emergency services are not covered by the Regulations. There are also some exceptions that do permit the use of mobile phones:

- Using a mobile phone to call the emergency services
- Acting in response to a genuine emergency
- If it is unsafe or impracticable to cease driving (or for the provisional licence holder to cease driving) in order to make the call.



Grey fleet

MANAGEMENT

For the majority of people, the most dangerous thing they do at work is drive on the public highway. In this feature, Gordon Tranter considers one aspect of work-related driving: the use of employees' vehicles for business travel.

The grey fleet

"Grey fleet" is the term that refers to vehicles owned by employees that are used for making work-related journey on behalf of their employer. It is estimated that there are approximately four million grey fleet cars in the UK. In the public sector alone, the former Office of Government Commerce, now the Efficiency Reform Group, estimated that nearly 57% of "at work" mileage is covered by employees in privately-owned vehicles.

In 2010, the Government estimated that 24% of serious injuries, and 30% of road deaths could be linked to work-related road traffic accidents and therefore are likely to include a substantial number of accidents involving grey fleet vehicles. As there is no requirement to report road traffic deaths as work-related, this is likely to be an underestimate. Even using those figures, this would be on average in 2010/11 570 deaths, whereas in the same year there were 171 workers and 68 members of the public fatally injured in accidents connected to work (excluding railways-related incidents).

The law

The main legislation that applies to work-related driving on the highway is the various UK Road Traffic Acts and related regulations. In addition, the employer has a duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health and safety of all employees

while at work. This applies to all work-related activities, including work-related driving by employees in their own cars. The Corporate Manslaughter and Corporate Homicide Act 2007 created a new offence where death is caused by a gross breach of duty of care by senior management. Where it can be proved that senior management are responsible for a gross breach of their duty of care and that causes the death of an employee driving for work, companies and organisations can be found guilty of corporate manslaughter. This can lead to an unlimited fine and a publicity order.

The requirement on employers under the Management of Health and Safety at Work Regulations 1999 to carry out a risk assessment applies to grey fleet drivers in exactly the same way as to employees using owned or leased vehicles.

Management of the grey fleet

Effective management of the grey fleet is crucial with respect to health and safety, financial control and environmental sustainability.

The first step in managing the health and safety of journeys carried out by drivers driving their own vehicles is the risk assessment. This should initially consider whether the journey can be avoided and whether the need for the journey, or task, can be carried



"'Grey fleet' is the term that refers to vehicles owned by employees that are used for making work-related journey on behalf of their employer."

Continued... →

out equally well using video, audio-conferencing facilities, telephone, or email. When the journey is necessary, the assessment should consider:

- the driver, including a check on their licence and their fitness to drive which may include areas such as health, fatigue, eyesight and alcohol/drug (medicines and recreational) use
- the vehicle, including a check on whether it has an MOT certificate, service history, and the appropriate insurance
- the journey, including the nature of the roads, bad weather, the schedule for the journey and whether it puts the driver under pressure to drive too fast for the conditions or to exceed speed limits
- communication with the driver while on the road, including arrangements for communicating with the driver that do not involve the use of hand-held phones while driving, as the use of a hand-held mobile phones while driving is hazardous and illegal
- driver management: is there a clearly defined responsibility for managing drivers using their own vehicles?

Insurance

Standard car insurance is for "social, domestic and pleasure" purposes only, which permits travel to and from your normal place of work, but not use of the vehicle while at work. Employees who use their own vehicles for work-related purposes should ensure that their personal insurance policy states "for business use" to avoid invalidating their insurance. Even if the use is for convenience to travel to meetings or undertake similar work-related activities, the insurer should be informed that the vehicle will be used for "occasional business use".

Reducing grey fleet mileage

The use of grey fleet drivers for low work-related mileage can be beneficial to the company. However, sometimes they can be hard to manage in respect of mileage, accident management and general vehicle maintenance. In addition, there are concerns about costs and the environment. Studies have shown that there are significant costs and environmental benefits available from

cutting the miles claimed by employees using their own cars on business. This has led some companies to use a range of initiatives including the use of public transport or leased cars or hire cars, video conference facilities and the introduction of ultra-low emission pool cars and pool bicycles for staff to use on shorter business.

The future

The Crime and Courts Act 2013 has inserted a new s.5A in the Road Traffic Act 1988 which will introduce a new offence of driving or being in charge of a motor vehicle while having a concentration of certain controlled drugs above specified limits in the body. This is expected to come into effect via regulations in 2014. The penalties for drug driving will range from a 12-month driving ban and fine to a prison sentence. Employers will need to consider the implications for their company and grey fleets of having a member of staff banned from driving for 12 months and the likelihood of increased company car insurance premiums if a company driver is successfully prosecuted.



Training TOOLS

This edition... Driving Safely for Work

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



Driving for work is one of the most dangerous of work activities – every day of the year more than 150 vehicles driven on company business are involved in accidents. This handy Training Tool is designed to help lessen the risks to employees and your business when it comes to driving safely for work. The successful management of work-related road risk can save lives and avoid serious injury as well as reducing the chance of civil claims and fines from prosecutions.



This downloadable presentation covers:

- Legislation
- Facts
- Driver Safety
- Journey Planning
- Vehicle Safety
- Benefits of Driving Safely

FREE Training Tool Slides!

Download our useful presentation on how to ensure your employees are driving safely.

How To

1. Go to: www.legislationwatch.co.uk
2. Click on Knowledge Centre → Training Tools
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REACTION TO LATEST HSE Statistics

Reactions to the latest statistics on workplace fatalities, as recently announced by the Health and Safety Executive (HSE), have been mixed, with health and safety professionals welcoming the decline in injuries and deaths, while trade unions and other organisations question the effect of recent changes to injury reporting.

The statistics

The HSE has highlighted an 11% drop in major injuries compared to 2011/12, hailed by the safety watchdog as “an all-time low”. The provisional statistics show that in Britain between April 2012 and March 2013:

- There were 19,707 major injuries such as amputations, fractures and burns, to employees, i.e. a rate of 78.5 injuries per 100,000 employees, compared with 22,094 in 2011/12 and a rate of 88.5 per 100,000 employees
- A total of 148 workers were fatally injured during the period, down from 171 the previous year. The average for the past five years is 181 worker deaths per year
- Workplace injuries and ill-health (excluding work-related cancer) cost society an estimated £13.8 billion in 2010/11, compared with £16.3 billion in 2006/07 (both in 2011 prices).

There was little change in the list of the higher-risk sectors, i.e. the industries

in which workers are most likely to be injured by their jobs. Compared with the national average of 78.5 major injuries per 100,000 employees, the construction industry's figure was 156 major injuries per 100,000 employees. The figure for agriculture was 239.4 major injuries per 100,000 employees while the figure for the waste and recycling industry was a massive 369.8 per 100,000 employees.

Announcing the figures, Judith Hackitt, the Chair of HSE, said: “This year's figures demonstrate that Britain continues to improve its health and safety performance, with important falls in the number of workers fatally injured and the number of employees suffering major injuries. But we still see too many deaths and injuries occur in the workplace, many of which could have been prevented through simple safety measures.”

Reaction

Commenting on the figures, Phil Bates, Senior Policy and Technical Advisor at the Institution of Occupational Safety and Health (IOSH), said, “It is good to see a decline in workplace fatalities and injuries, but we must not get complacent because this could just be a reflection of the current economic situation.”

On a more sceptical note, Hugh Robertson, Head of Health and Safety at the Trades Union Congress (TUC), said, the figures showed “just how hard it is to make comparisons now that the HSE has changed the way that injuries are reported,” referring in particular to the replacement of reporting over-three-day injuries with over-seven-day injuries.

He added, “The HSE is claiming that workplace major injuries hit an all-time low for 2012/13, yet the statistics show that the number of days lost through workplace injury is up from 4.3 million to 5.2 million, which implies that the number of people injured is actually going up. So which is correct?”

Disappointment at lack of occupational ill health figures

The British Occupational Hygiene Society (BOHS) has expressed concern at the lack of up-to-date occupational ill health figures in the latest health and safety statistics published by the Health and Safety Executive (HSE).

The Society welcomed the news that workplace major injuries hit an all-time low for 2012/13 at 19,707 major injuries, while the number of workers fatally injured was down to 148 from 171 the previous year.

However, the BOHS, which works for the protection of worker health, said it was concerned comparable figures for 2012/13 for occupational ill health are “largely unavailable” in the new HSE Annual Statistics Report 2012/13.

The latest report refers repeatedly to the 2011/12 figures for occupational ill health since no data on work-related illness from the Labour Force Survey was collected in 2012/13.

The HSE has announced on its website that, “From 2011/12, ill health moved to data collection on a biennial basis.”

A source at the BOHS said, “This decision, apparently made as a result of budget constraints, seems a great pity and represents a loss of a rich source of information on ill health.”

Commenting on the available data, the BOHS said the figure of 13,000 deaths each year from work-related diseases was “shockingly high” in comparison to the 148 workers fatally injured at work.

David O'Malley, President of the BOHS, said, “It is encouraging to see the improvement in the workplace safety figures. However, there is a great need for more information and focus in respect of Britain's occupational disease burden and the decision to move to biennial collection of ill health data is disappointing in this respect.”

He added, “The figure of 13,000 deaths a year as a result of work-related ill health is an appalling toll, and may represent a very conservative estimate. These deaths can be prevented by controlling exposures in the workplace, with the advice and expertise of Britain's occupational hygienists.”

Perimeter Security and Risk Assessment



The aim of securing premises, in principle, is based on being able to prevent losses, while not hindering day-to-day business. This is to be achieved within a budget that, according to the accountants, should be as low as possible, because it does not “contribute” to the business and simply removes profit from the bottom-line figure. However, this does not bear any resemblance to the real world. Security, whether physical measures or manpower, is not cheap, so the answer is to ensure that it is kept proportionate to the related risk.

A risk assessment should be undertaken as this will help quantify what is required to help the business operate in a normal manner. While good security may not visibly contribute to the profitability of a business, the losses and disruption of inadequate security will have cost implications if it disrupts or stops the business operations. Security risk assessments should focus on all threats to the business. A common risk for any business is theft and criminal damage, including arson. However, depending on the nature of the business, there can be other threats, including business espionage, sabotage, activists.

When conducting a security risk assessment, the recommended model is often referred to as the ABC model — Area, Boundary and Contents.

Area

Take a look at the surroundings of the site. Considerations include the neighbourhood. Are other businesses in the area better protected, making your site an easier target? Is it a residential area and, if so, is it a deprived area, which may mean more opportunist thieves? What is the accessibility of the area? Proximity to motorway networks may be beneficial for deliveries to and from your business, but they also provide fast escape routes and can also entice thieves.

TOP TIP

Install a Dummy CCTV Camera with flashing LED to deter thieves.



Style No. CD75

be a deterrent. It is also important to consider how the vegetation differs through the seasons.

Where the boundary is adjacent to public highways or open land, consideration should be given to whether there is the ability to park a vehicle immediately next to the perimeter, where the vehicle can be used for assistance in climbing over, as well as reducing the distance required to carry stolen goods and allowing a quick escape. Bollards or similar obstructions can be considered, either to prevent parking adjacent to a perimeter, or where there is a risk of a vehicle ramming into the wall/fence in order to breach it. When recording details of perimeter walls and fences, check the height, taking into consideration any unevenness of the ground, with the effective height being measured at the point where there is the shortest distance between the ground and the top of the barrier. Look out for overhanging tree branches, decorative brickwork, and anything fastened to

TOP TIP

Use Heavy-Duty Bollards to prevent parking adjacent to a perimeter, or where there is a risk of a vehicle ramming into the wall/fence.



Style No. HDB01-03

the wall/fence protruding through it or adjacent to it that could be used as a foot hold, e.g. piled-up pallets.

You should also look for unprotected dips in the ground, which could allow access under a fence. Any climbing deterrents should also be recorded, e.g. razor wire, electric fences, rotating spikes, anti-climb paint. The assessment should also record any security monitoring devices, e.g. fence-mounted sensors, underground movement sensors, infra-red beams, microwave beams, passive infra-red sensors.

Boundaries (multiple buildings)

Examine the physical perimeter of the site, taking into consideration what is on the exterior side of the perimeter and whether this would hinder or assist a would-be intruder. Where the adjoining land belongs to another premises, either business or residential, consider how easy it would be to access their land in addition to your site’s perimeter. Where there is vegetation adjacent to the boundary, the type is important to your assessment: thick bushes and trees can provide cover for an intruder; thick bramble-type bushes would

TOP TIP

Prevent unlawful access to your property by applying Anti-Climb Paint to drainpipes or fencing, and/or placing Prickler Strips on top of walls, fences and ledges.

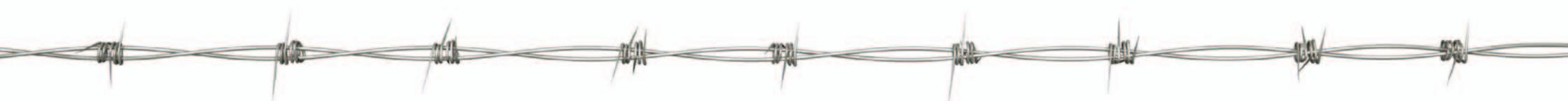


Style No. SEC1053-55

Style No. SEC73-76



Continued... →





Boundaries (individual buildings)

It is important to examine the security of the perimeter of individual buildings. For some small sites, the perimeter of the building may also be the boundary of the area to be secured, e.g. an office block in a city centre, or the building may be surrounded by a piece of land that cannot practically be secured. Irrespective of this, the physical security of the building should be assessed with consideration given to how secure doors and windows are, in addition to climbing aids, which can allow access to upper-level windows or roofs.

The risk associated with any opening, irrespective of size, should be considered — while small openings, such as letter boxes and ventilation grills, may be too small for a person to enter, they can be used to hook a handle to open a window or door, or be used in order to damage property, i.e. arson. The surrounding area should be examined for items that could be used as climbing aids, especially the storage of any ladders on site. Internal security measures, e.g. intruder alarms, safes, etc should be considered as part of your risk assessment.

The human factor should also be considered: loss of keys or access cards; and employees and visitors using fire exits, such as somebody briefly exiting a building in order to smoke, and either allowing somebody to enter while they are outside, or not securing the door when they re-enter the building.

TOP TIP

Identify and track your visitors by using a Visitor Management System so you don't have unauthorised people wandering around your site.



Style No. SEC309

deterrent would be an on-site security presence. This could be patrolling security dog handlers, or it could be active monitoring using CCTV and/or any of the previously mentioned detection methods. Coincidental factors would be any on-site operations that, while not taking place for the specific purpose of securing the site, increases the risk to a would-be intruder and hence has a deterrent factor. A typical example of this would be where a site operates round the clock. When taking such factors into consideration, you would have to establish whether these factors were continuous, e.g. seven days per week and any seasonal breaks.

TOP TIP

Key Pad Door Locks provide greater security than keyed access. Combinations can also be changed regularly.



Style No. MDL2

The types of questions you should be considering include the following:

- Is it in good condition?
- Is it adequate?
- Is there enough lighting?
- Is it clear of scaling aids?
- Is it legal?
- What do they look on to?
- What looks on to it?
- What about CCTV?
- What about doors and locks?
- How many do we have?

In addition to physical boundaries, this is also a suitable time to consider other deterrents, whether purpose-designed security measures or coincidental factors. The most obvious

Contents

For this part of the assessment, you should be considering the value of items, both in terms of financial value and the cost and impact to business operations of a loss. For example, a high-specification laptop stolen from an office, with all data stored on a central server, could be replaced within hours (or sooner if a spare was available) with minimal inconvenience to the business, and the only cost being that of a replacement laptop. As an alternative, the theft of a computer, which controls a production line and may have bespoke interface, may only have a nominal value to the actual hardware, however the impact on production could cost a company tens of thousands of pounds. In these scenarios, mitigating factors such as insurance and/or business continuity arrangements can be factored in.

When assessing equipment, materials and end products, consideration should be given to portability, value and ability to sell on, e.g. if you use products that are small, expensive and can be sold easily "in the pub", then you have a higher risk of theft. Where there is a large market for items, which can be removed easily from the premises, this is likely to lead to recurrent break-ins. Just because items are larger and more difficult to transport, it does not mean there is a reduced likelihood of a break-in. If the financial reward is available, the criminal will work out a method of removing goods.

During any risk assessment, it is useful to speak to employees and contractors on site. They can often highlight known problems, of which management may not necessarily be aware. They may highlight weak points

TOP TIP

Position Security Signs around your site to help deter potential criminal activity.



Style No. GS033A4

element of caution, with the person conducting the risk assessment being careful to extract as much information as possible, without themselves highlighting opportunities, which may then be used against the company.

Having established the data, the risk assessment can then be produced, accounting for the probability of someone attempting to gain access to the site, the likelihood that they will manage to get on site, and an assessment of potential company losses, both direct and indirect. This will help decide whether current security protection is satisfactory or whether additional measures are desirable, with this based on a cost benefit analysis.

Where you wish to make recommendations for improving the security of the site following the risk assessment, you may find it useful to read the British Standards covering security hardware, e.g. fences, locks, CCTV and intruder alarm equipment. You should also consider whether any alterations to boundary walls and fences would be restricted by local authority planning regulations.

in the perimeter protection that are not immediately obvious, and may also be able to give information about previous intrusions and thefts. Discussions about deliveries and stock levels might also highlight abnormal occasions where an informed criminal would have the opportunity for higher gains. Such discussions should take place with an

TOP TIP

Store cash and valuables in security safes and cabinets. They must be bolted to the ground to qualify for insurance ratings.



Style No. SEC1011-13

TOP TIP

Prevent unauthorised access by securing doors, gates and cupboards.



Style No. CCPLD



NO ONE'S TOO SMALL TO COSHH:

how small businesses can ensure compliance



The Control of Substances Hazardous to Health Regulations 2002 (COSHH) sometimes seem so complex they must surely be applicable only to big business. This is not so: COSHH applies to all organisations.



COSHH does not relate only to large concerns such as big chemical plants. Almost every business uses chemicals — even if just for cleaning — and the requirements of COSHH need to be considered. It is not just a matter of compliance. Expensive and unnecessary issues can arise if COSHH risk assessments and controls are not put in place; and even small quantities of chemicals can lead to ill health or injury. This article will not attempt to go through the legal requirements of COSHH in detail. Rather, it will point out areas for risk assessment and control which a small or medium-sized enterprise (SME) can then consider for its business operations before researching the legalities further.



Aware of the risk?

Perhaps the main issue for SMEs concerning COSHH is simply being aware of the risk. For example, the Health and Safety Executive's (HSE) "Bad Hand Day" initiative points out that nearly 70% of hairdressers experience some kind of skin damage in their working life. This will typically arise from "wet work" and contact with chemicals such as shampoos, dyes and other hair care products. These are chemicals, and some are relatively dangerous ones, albeit in small quantities. Sometimes they are not being adequately controlled.



Similarly, with the cleaning and horticultural sectors, "familiar" chemicals — some of which we may have in our homes — can have serious consequences if they are not used with adequate controls. They can all constitute substances hazardous to health. This, in turn, means that risk assessment is not merely for legal compliance but ensures the business is not exposed to unnecessary risk, such as the loss of key people due to injury.



Risk assessment in COSHH is not just about reading the Materials Safety Data Sheet (MSDS). This is a misunderstanding common among some SMEs. The MSDS (also known as the Product Safety Data Sheet, among other names) is an important document as it gives essential information, for occupational use, about the chemical, its health effects, toxicity, first aid, how it would react with other substances, storage, disposal, relevant personal protective equipment and spill-handling procedures.



This is all vital information. However, it is not a risk assessment. Whether the chemical is a hair dye or an insecticide, it is necessary to look at the process involved, how the chemical will be used with other substances and any reaction that might happen. There is then the human element; how the frequency of use, as well as the training and awareness of those who will be exposed to the substance, will impact on the risk. These are all things that an MSDS will not tell you.

In control

The outcome of the risk assessment will normally lead either to the removal of certain elements of the risk or to putting controls in place. Controls need careful consideration. Small construction or cleaning companies may be involved in operations at a number of different client sites. This can create the need for careful selection of working methods and substances used, e.g. having to store or use chemicals in areas difficult to access can make the risk greater than in other locations. COSHH controls, like all those relating to other health and safety aspects, need to be specific to individual projects. Generic approaches to risk controls can be beneficial for awareness and training but they do not replace the need to look at the specific.

There is a COSHH requirement that relates to the need to have arrangements in place for possible accidents, incidents and emergencies involving hazardous substances. This does not just mean first aid, although it is always worth checking that proper provision has been made for this: are there trained first aiders using proper equipment? It also includes reference to how spillages would be dealt with, e.g. are there at least some staff trained to deal with spillages? Do they have the correct personal protective equipment? Do they have the correct materials or methods to clean up the spillage? How would the contaminated materials be disposed of legally? These are all questions that need to be considered before the event; it is essential to act in an organised, effective way to avoid unnecessary safety and legal issues.

What type of COSHH controls?

This article looks at some of the key issues to consider for COSHH risk assessments. Decisions about risk

controls should be based on a number of factors and individual circumstances — not just what it says on the MSDS. The following examples relate to specific sectors, although many of these apply to SMEs generally.

To the uninitiated, horticulture and landscaping seem bucolic. This is certainly not the case in commercial applications and the industry faces a number of health and safety risks. One of the main issues regarding COSHH is the storage, decanting and use of multiple types of horticultural chemicals, e.g. insecticides and fertilisers. This can also influence fire risk. Some locations may be accessible to the public and so it will be necessary to determine how incidents such as spills can be dealt with promptly and safely. Occupational health is equally important, especially for any de-skilled activities. COSHH needs to be carefully considered for individuals involved in these, whether permanent or contract staff. Occupational skin diseases and other serious consequences can stem from unnecessary contact with chemicals, and it can never be assumed that individuals will already be aware of this.

Biohazards are just one aspect of cleaning operations that come under COSHH. These may, for example, be human or other animal bodily fluids. There need to be clear training and protocols on what to do where biohazards are present. These may include different protective clothing and agreed disposal methods for the substances concerned — the controls in place for other cleaning activities are not likely to be adequate or acceptable.

Builders face multiple hazards depending on the type of work they undertake, often related to the location and, sometimes, diversity of jobs undertaken. If pressurised gases such as propane are used, then their safe operation and storage needs to be considered. Where sub-contractors are employed on a job, their COSHH risk assessments should also be in place and verified by the principal contractor as being adequate.

Hairdressers may not consider the chemicals they use to be risky but they can be. Poor storage is frequently an issue: for example, aerosols can explode near heat sources. Staff should be required to wear non-latex gloves when applying hair products such as dyes and shampoos. The key point is to conduct an adequate risk assessment, keep it under review and ensure that all staff understand the importance of these issues from day one.

Conclusion

COSHH compliance requires thought. It is not just about reading an MSDS. The fact that an SME has not experienced any health or safety incidents in the past is almost certainly just down to chance and not because of effective risk controls. The lives of principals and staff, as well as the long-term financial security of an SME, should not be riding on luck. This is especially true when relatively straightforward risk assessments and controls can reduce unnecessary risk. They might even contribute to a more cost-effective way of doing things.



GHS Regulation Overview

On the 28th November 2008 the European Council adopted the GHS regulation. The publication followed on the 31st December 2008 meaning that GHS could be applied from 21st January 2009.

GHS and what it means to you

- GHS – The Globally Harmonised System of Classification and Labelling of Chemicals.
- Addresses classification of chemicals by types of hazards and proposes harmonised hazard communication elements, including labels and safety data sheets. The GHS also provides a basis for harmonisation of rules and regulations on chemicals at national, regional and worldwide level, an important factor also for trade facilitation.
- The new regulations require companies to reassess their classification and labeling systems.

For the EU, the mandatory date for implementation of both 'pure' chemical substances and a mixture of chemicals was 1st June 2013.



Revision of ISO 14001: 2004 ENVIRONMENTAL MANAGEMENT SYSTEM

The International Environmental Management System (EMS) Standard ISO 14001 was first published in 1996. It assists organisations in reducing their environmental impacts and assessing the effectiveness of environmental policies and procedures. As a certifiable standard, it is suitable for all types of commercial, industrial and public sector organisations. As of 2012, more than 285,000 organisations worldwide were certified to ISO 14001.

The overall aim of the International Standard ISO 14001 is to provide a systematic framework to protect the environment in balance with socio-economic needs. It uses the model of "plan, do, check, act" to provide the framework for EMS implementation.

ISO 14001 is undergoing major changes.

ISO 14001:2015 will have a new High Level Structure and common text which would bring it in line with ISO rules for management systems standards. The structure of the Standard will change with new clauses and sub-clauses included. Existing clauses have been strengthened and their order changed as well.

This will affect the way certified businesses manage their EMS and measure their environmental performance. The supporting EMS guidance standard ISO 14004, which explains in more detail how to develop, implement and improve an EMS, is also being revised.

Environmental Consultant Mubin Chowdhury outlines some of the key requirements that may be introduced or amended in the revised Standard.

Timescales and updates

ISO announced in November 2011, the EMS was to be significantly changed for the first time since 2004.

The group working to update EMS reached Committee Draft 1 (CD1) in early 2013. The ISO 14001 review process then reached Committee Draft stage 2 (CD2) in October 2013.

Publication of the revised ISO 14001 is expected in 2015. Organisations with existing 14001 certifications will have 2-3 years from the date of publication to meet the requirements of the new revised Standard. The new Standard will be 'future-proofed' (not subject to significant change again) until 2025.

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Key changes proposed in CD1 & CD2

Scope: This is likely to require greater detail than is included in the current scope of ISO 14001, which may include impacts from a changing climate on an organisation's activities. The scope also puts emphasis on the need to take advantage of opportunities as well as reducing negative impacts.

Context of the organisation: Including external environmental conditions that might impact on the organisation and the need to take account of external parties.

Leadership, top management and commitment: There are new clauses on leadership and commitment, which strengthen the requirement to align the EMS with an organisation's

overall strategy and core business processes. Top management must integrate environmental performance into strategic planning, direction and organisational decision-making.

Definition of top management is tightened. Top management cannot delegate authority for certain elements of environmental management. These greater expectations are to promote meaningful top management involvement in EMS.

Policy: Additional commitments may be included to "support environmental protection" and provide some examples of potential environmental threats. Broadening policy commitment is intended to show that organisations are going beyond pollution prevention to incorporate wider environmental aspects, although

the revision stops short of specifying what these might be.

Risks and opportunities: These were addressed in the earlier revision, ISO 14001:2004, through the identification and evaluation of environmental aspects and legal requirements. However, the proposed revisions also include specific requirements for the management of the potential business risks and opportunities arising from environmental impacts.

Environmental aspects: A "life-cycle perspective" has to be taken into account when identifying aspects. It is important to note that this does not require a life-cycle assessment to be conducted, but would mean that the impacts of the organisation's products/services are to be considered and to not limit the EMS to direct operational management.

Environmental performance indicators: Indicators will be used to track improvement. This introduces a requirement for each identified objective to have one or more defined indicators associated with it, through which performance is evaluated. Flexibility is maintained by not specifying further what the indicator should consist of or specifying impacts to be included, which is required in the Eco-Management and Audit Scheme (EMAS).

Communication: The drafts will require organisations to determine what and when to communicate to internal and external audiences, although there is no requirement to communicate externally, beyond that legally required.

Value chain planning and control: Building upon the "life-cycle perspective", the drafts introduce

requirements to control or influence upstream processes such as design and development, and downstream processes, including processes governing procurement of goods/ services and those activities which are outsourced.

Performance evaluation: More detailed requirements to determine criteria against which performance is evaluated and is introduced. This includes the incorporation of the value chain perspective on an organisation's environmental impacts.

Planning: There is significant revision and restructure relating to planning, in particular in relation to environmental aspects and impacts. Specifically the aspects and impacts relationship to organisational risks and opportunities is proposed.

Evaluation of compliance: This is strengthened with the introduction of a requirement to maintain knowledge and understanding of compliance status, and not rely on external parties to inform an organisation when activities were non-compliant and which the organisation was not aware of.

Environmental Condition: There is a new definition of environmental condition.

There will be no reduction in the requirements of ISO 14001. The main text of ISO 14001 will contain requirements and the annex will provide interpretation of these requirements. The fundamental revision will impact on all ISO 14001 certified businesses, those currently considering implementing a certifiable EMS in the future and auditor expectations.



HEALTH AND SAFETY AUDIT: Best Practice

September 2013 saw the Health and Safety Executive (HSE) guidance on good health and safety management being revised, to reflect the widely used Plan-Do-Check-Act approach (PDCA).

Central to this type of management system is that it is cyclical in nature, so as to enable the principle of continuous improvement to be adopted, to take account of organisational changes and to identify deterioration in any of the system's elements.

Internal auditing is a key discipline of the management system cycle and is used to verify the adequacy of the other elements of the system. However, the effectiveness of the process will be negated if the employer fails to develop and implement appropriate auditing practices.

Audit purpose

OHSAS 18001 defines an audit as a "systematic examination to determine whether activities and related results conform to planned arrangements and whether these arrangements are implemented effectively and are suitable for achieving the organisation's policy and objectives".

According to the HSE, organisations should have "formal procedures for auditing and reporting health and safety performance" and this should be "perceived as a positive management and boardroom tool".

Auditing can be seen as a proactive management tool, used for reviewing and evaluating the performance and effectiveness of the organisation's health and safety management system, in particular by:

- Confirming that the management system has conformed and been effectively implemented
- Identifying strengths and weaknesses within that system's elements and ensuring statutory compliance
- Providing feedback to the organisation's employees and senior management team
- Helping with the creation of action plans for improvement based upon audit findings
- Helping ensure that resources committed to health and safety are value for money and effectively control risks.

Health and safety systems can be subject to examination by external stakeholders, including independent audit organisations, customers or enforcing authorities.

However, auditing is also undertaken internally (first party audits) often forming part of a "self-declaration of conformity". As such, organisations need to develop a programme based upon best practice.

Audit programme

Auditing should be a structured activity based upon a formal programme. BS EN ISO 19011 provides guidance on the management of an audit programme, on the planning and conducting of an audit of the management system, as well as on the competence and evaluation of an auditor and an audit team.

The above standard states that "objectives should be established for an audit programme, to direct the planning and conduct of audits", which can be influenced by management priorities, statutory requirements and risks to the organisation.

As well as objectives, the extent of the audit process must be identified in terms

of its parameters and focus of attention, as audits can cover whole systems or specific elements, as well as technical and managerial aspects of the system.

In terms of prioritising the programme, BS 18004 states that "audit programme/s should be planned, established, implemented and maintained by the organisation, based on the results of risk assessments of the organisation's activities, and the results of previous audits".

Competence is a key element and it is recommended that the person managing the audit programme has sufficient competence in the audit process and knowledge of the activities to be audited.

The person responsible for the development of the audit programme will need to consider the following:

- The audit programme objectives and extent.
- Roles, responsibilities and resources required.
- Audit process and scope, audit team members and record keeping.
- How the audit process will be monitored and reviewed.

It is essential that the individuals completing the audit, as well as the audit manager, have the necessary competence. In terms of health and safety, BS EN ISO 19011 recommends that auditors, as well as having knowledge of the audit process must have "knowledge and skills related to the discipline and the application of discipline-specific methods, techniques, processes and practices".

In addition, they should be "independent of the part of the organisation or the activity that is to be audited".



Audit process

BS EN ISO 19011 contains a number of principles that aim to make the audit an effective and reliable tool. These principles are integrity of auditors, fair presentation of findings, due professional care in the audit process, confidentiality, independence and the use of an evidence-based approach to reach reliable and reproducible audit conclusions.

Communication is paramount when initiating the audit and so contact needs to be made with the area of the organisation that is to be subject to the audit process so as to detail the purpose of the audit and its process.

This will also enable pre-audit administration to be determined, including ensuring:

- The availability of the audit team staff and that they are aware of their responsibilities
- That staff in the area to be audited are aware of the audit date/process and are available to assist in the process where necessary
- That staff in the area to be audited make available on-site documentation and information.

Prior to the audit, documentation that is applicable to the health and safety management system and the audit focus can be reviewed. This may include the health and safety policy, training records, risk assessments, accident reports, performance reports, etc.

During the audit, information relevant to the audit criteria should be collected to generate the audit findings and conclusions. The main source of information will be additional relevant documentation to the health and safety management system, but interviews and worksite visits to undertake observations can also generate data.

Interviewing employees can give an indication of general attitudes, competency and fulfilment of responsibilities. It will be necessary to

consider who to interview, their level within the organisation and their role in health and safety. It should also be borne in mind that this activity can be subjective rather than objective.

The use of a pre-prepared question set relevant to the audit's objectives and criteria will assist in the completion of the audit and enable objectivity to be maintained.

Post-audit action

Evidence gained should be evaluated against the audit criteria in order to determine audit findings, which can indicate conformity/good practice or non-conformity with the set audit criteria.

There are no set methodologies for rating or grading non-conformity outcomes but it is useful to formulate some form of system, either qualitative or quantitative, in order to prioritise remedial action. This may also be useful when numerous/similar parts of the organisation are to be audited as a comparison of compliance to the management system can then be used to make judgments as to future resource allocation to make improvements.

An audit report should be developed that summarises the audit process, the outcomes, any supporting evidence, opportunities for improvement, and any recommendations.

The results of the audit, via the subsequent report, should be communicated to all relevant parties as soon as possible, to allow corrective actions to be taken. When communicating the information contained within the report, confidentiality must be given consideration and it may be necessary to redact the audit for some stakeholders.

In particular, findings should be reviewed with managers responsible for the area audited in order to obtain acknowledgement that the audit evidence is accurate, and that the non-conformities are understood. The senior management team should also consider the outcomes of the audit and "take appropriate action as necessary within an appropriate time".

Finally, an important element of the audit process is a review and, where necessary, follow-up audit to determine the success or otherwise of the implementation of the recommendations.

Every £1 spent on preventing flooding saves £8 in repairing damage...

New figures from the Environment Agency put the cost of the 2012 floods to the UK economy at around £600 million.

According to the Agency, every affected business suffered an average of £60,000 in setbacks.

The release of these figures has led to renewed calls for businesses to take action and plan ahead to minimise the risk of flooding to their premises. Although flood defences protected 200,000 properties last year, the Agency estimates that 175,000 business in England and Wales are still at risk of flooding.

Don't let your business be one of them. Protect your business with Seton's wide range of solutions to help prevent and manage water damage.



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Flood Risk Management

Recent storms have given rise to serious flooding in parts of the UK. Floods are one of the most common natural disasters. Statistics indicate that businesses are more likely to be flooded than hit by fire and according to many in the scientific world, climate change means that the risk of flooding is rising.

Indeed, the **Climate Change Risk Assessment published by DEFRA in spring 2012 identified flooding as the biggest climate risk faced by British businesses. In a particularly wet summer in 2007, approximately 7000 businesses were flooded.**

As well as the obvious business disruption or interruption that can be caused by flooding, there are health and safety risks that need to be identified and managed in a proportionate way, both before and after a flooding incident.

Sources and impacts

Global warming is often cited as the main reason for flooding within the UK, and it is thought that the UK will see increases in seasonal temperatures and incidence of stormy weather. However, there are other factors that can increase flooding risks, including the characteristics of rivers, streams and groundwater; blocked, overloaded or broken drainage systems; and variable sea levels. Other factors that increase risks are the development and urbanisation of flood plains and flood risk areas that have altered the natural landscape. In addition, paved, concreted or tarmac areas act as a flood channel, intensifying the flood.

The extent that flooding affects commercial property is dependent upon a number of factors, including the type of flooding along with the speed flooding occurs, depth and duration. Additional variables are the type of property, the



activities taking place, the speed of response to the flooding situation and the action taken during and after a flooding incident. Evidence also suggests that seasonal variations can affect the extent of damage suffered.

As well as damage to premises, plant and equipment, an organisation may lose stock and supplies and find that it cannot trade while the damage is repaired or goods are replaced. Recovery from flooding can take a considerable period of time, with the drying-out process lasting many months, if not years.

There can be significant health and safety issues associated with flooding:

- **Site damage.** Grounds are subject to erosion and scour, leading to possible loss of soil and damage to paved areas and access routes. Large amounts of debris and sediment can accumulate on the site, especially against fences, causing instability.
- **Structural damage.** In fast-flowing waters, foundations can be eroded, destabilising or collapsing walls and floors. Sediment build-up can also create heavy loading on floors and walls.
- **Saturation damage.** In walls and floors this can lead to plaster, drywall, insulation, and tile damage, mould and moisture problems, wood decay and metal corrosion.
- **Utility system damage.** Electrical wiring and equipment that can be shorted and their metal components can corrode. Oil storage tanks can be displaced and leak, polluting the areas around them.
- **Health threats.** These threats are both short- and long-term, with pollutants or contaminants being present in the flood water and mould/mildew growth through dampness.

Assessment and management

According to the Government, "understanding what the risks of flooding are for your business will help you decide what to do about it". The risk assessment will need to consider factors based upon the principle that for a flooding risk to exist, three elements are required:

1. A source of water (heavy rainfall).
2. A pathway for the water (groundwater, sea, river, drainage system, etc).
3. A receptor (the commercial property of the business).

When considering the management of risks, the prevention or mitigation of flooding in respect of the former two are for policy and procedures at a regional, national and international level. However, at a local level, organisations will have to consider what action to take in respect of the receptor, i.e. the business property. This will include:

- Taking steps to limit potential damage to the property through use of sustainable drainage systems, physical barriers, non-return valves on drainage systems, etc
- The preparation of a plan on how to deal with flooding, including the training of staff in the actions required to be taken following a flood.

The flood plan should include the procedures deemed necessary to ensure the safety of employees and other occupiers in the event of imminent danger arising from flooding. This may include evacuation procedures from the building and the site. The plan may also include task allocation to manage the flood impacts.

As with any risk assessment process, cost/benefit decision-making will play a role in the final decision on what, if any, measures to take. Consider whether or not the cost of implementing flood risks controls will:

- Significantly reduce financial losses, damage to property and business interruption
- Help compliance with regulatory requirements for all stakeholders
- Reduce exposure to civil or criminal liability and assist in obtaining viable, affordable insurance
- Enhance the organisation's reputation and credibility with stakeholders.

Post-flood issues

Where measures have not been deemed reasonable or have not prevented flood waters, employers may have to consider a number of issues including health and safety. These will include cleaning the premises, drying out the property and its contents, disinfecting the property and its contents, disposing of waste, damage estimation, repairs and insurance claims. Safety will be the first priority. Even if a building looks safe, it may have suffered structural damage, and there are other

risks to consider, e.g. electrical shock if the mains electricity has not been disconnected. There may also be hidden dangers in the floodwater such as debris (sharp objects), raised manhole covers and contaminants or pollutants.

When safe to do so, an assessment of the damage caused will have to be undertaken. This should consider both structural damage to the building and potential health risks during clean-up and recovery.

Suitably qualified staff following a safe operating procedure should undertake a survey. This will most probably include a loss adjuster from the insurer who will confirm what repairs and replacements are needed and covered by the insurance policy. At the same time, gas and electricity supplies can be made safe.

Following this survey, the necessary remedial action can be planned. Again, health and safety issues must be considered during any remedial works, either undertaken by staff or by contractors.

In respect of the immediate clean-up, with pollutants, contaminants and hazardous foreign objects being

present, suitable personal protective clothing will be required and good hygiene procedures adopted. Any materials removed that are potentially hazardous must be stored and disposed of in an appropriate manner.

Electrical and gas systems may have to be inspected and repaired by competent persons. Where disinfection takes place on-site, the normal COSHH (Control of Substances Hazardous to Health Regulations 2002, as amended) requirements will also have to be met.

Longer-term, the employer may have to monitor the premises for signs of continuing issues. This may include the growth of moulds or mildew that can cause health issues as well as potential structural issues as the premises are subject to the drying process.



Ensuring good occupational health in your remote workforce

A number of different descriptive terms have been created to encompass employees who work remotely. These include e-workers, nomadic teleworkers, mobile teleworkers, multi-locational e-workers, and dispersed technical workforces. What these groups of workers have in common is that they are often isolated from colleagues and line managers.



For those involved in telework, where individuals work at home and connect to the office through IT systems, it may be that someone is working a number of days at home per week rather than working full-time at home. Alternatively, remote and mobile workers involve individuals out on the road, but who maintain contact with an office base through different types of technology, including telephone, portable computers or other equipment. This group can include sales people, repair engineers or those delivering your weekly shop. It is difficult to estimate the numbers involved in working this way and data from the USA suggests that 2.5% of the population are involved in teleworking. In 2001, it was estimated that there were one million people working as remote and mobile workers in the UK and Ireland.

Changes in technology have allowed such workplaces to develop for those working either at home or for those who work between clients' or customer sites. There are potential cost savings for companies where there is no need to maintain a set number of workstations within an office environment. However, there are still a number of duties on the employer to ensure the health, safety and well-being of their staff.

Teleworkers

This article focuses on individuals using computers in the home rather than other sorts of home working. As such, there is a clear process on managing home workers in relation to their health and

safety and computer work. The health risks from computer work are well documented (musculoskeletal problems and visual fatigue, etc) and therefore the display screen assessment sets out the need to carry out a risk assessment of the workplace. The same risk assessment can be carried out in the home to ensure that the work equipment, including the chair, complies with requirements. Home workers can be trained to set-up and risk assess their own workstations, ensuring that they are tested on the same basis as office-based staff. Work organisation also needs to be considered to ensure that individuals take regular screen breaks to reduce the onset of fatigue. The issue of screen breaks is becoming more important as we understand the impact that sitting still for long periods has, which could be linked to changes in metabolism as well as the known impact on the musculoskeletal system.

For companies who are supplying equipment for home use, there are also specific requirements in ensuring the safety of the equipment. These will need to comply with the relevant standards and be evaluated for safety. Further factors to be considered are the implications for insurance (both employer and employee) and data security between on-site and off-site computers.

Remote and mobile workers

For mobile individuals working remotely, there are different potential hazards.

These include driving and health, where not only fitness to drive needs to be considered, but also the risks associated with driving for long periods or the vehicle being used as a workplace. A variety of research projects have identified that there is an increased reporting of musculoskeletal symptoms (specifically back pain and shoulder pain) for individuals who spend more than 20 hours behind the wheel of a vehicle each week. In addition, there is an increased frequency of reporting of psychosocial symptoms, including poor mental well-being and long hours driving per week, low decision authority, role conflict and role ambiguity. Our own research identified increased reporting of psychological distress within the sample group, which was found to be associated with a simultaneous increase in reporting of chronic fatigue, ill-health symptoms and hours of driving; as one increased, so did the others.

Other risks identified within the remote and mobile workers' group is that of handling loads in and out of vehicles, which again was associated with musculoskeletal problems. Assessing the risks from manual handling and taking steps to reduce risks are essential for this group. This includes a variety of different solutions, including ensuring vehicles are designed for ease of access, e.g. no lip around the boot over which to lift loads; ensuring required equipment is stored in manageable loads; and cases or boxes on wheels to aid ease of movement. Training employees to

Continued... →

assess and reduce risks is an important part of this process to enable them to handle equipment safely.

The use of mobile technology does allow people to keep in touch, but does bring with it some issues that should be considered. Using vehicles as office space is not ideal from a musculoskeletal viewpoint. Where possible, employees should be advised to aim to carry out paperwork either back in the office or in areas such as service stations. Even the use of laptops is not recommended for long periods without an additional keyboard and docking station. Mobile telephones and smartphones have extended the range of tasks that can be carried out on smaller equipment, but ensuring people only use them for short periods and not prolonged typing tasks would be advised.

One of the other issues for remote and mobile workers is dealing with the public. This can be either in public spaces or in customers' homes. Although it is common practice for those having repair work carried out to be asked to secure dogs away during the visit, it is also important to ensure that employees know that, if they feel uncomfortable or threatened, they can remove themselves from the situation. The use of active risk assessments in this situation can aid employees to manage risk and, where necessary, remove themselves or await help.

Managing health and safety

For both groups described above, there are a number of different factors that can influence how well their occupational health and safety can be managed. The fact that both groups work remotely is a major influence in to how best to ensure they can be safely managed. Although both groups have access to technology and email, email alone may not be the best way to get information across to them.

When managing remote workers, it is clear that occupational health and safety issues need to be highlighted. This can be as part of ongoing line management with employees, or in addition to this.

Many remote workers do come into the workplace at regular intervals for team meetings and this can be an opportunity to identify and work with individuals on particular risks to which they feel exposed. The research on remote and mobile workers identified regular contact points during the day with line managers and colleagues; maintenance of those contacts is important. However, managing this group does need a change in the line manager; since visual contact is not always possible, trust to do the job effectively needs to be built into the skill set.

The available technology can also be used to encourage regular online meetings with groups of staff if their locale does not enable a regular visit to the office. This will give groups in similar roles an opportunity to discuss issues they are confronted with during their working day. Again, this allows another occasion for discussion of health issues and, where information is available, to support any problems. Emails alone are unlikely to be an effective way of disseminating information to this group, so asking your occupational health provider to deliver training or run toolbox talks online may allow an improvement in communication and understanding between those in the office and those out in the field.

In 2012, the Institution of Occupational Safety and Health published a document entitled "Out of Site out of Mind? Managing Remote Workers." This publication covers the health and safety issues identified when managing remote workers, as well as including a risk assessment pro forma that could be adapted for individual companies. This covers the safety aspects and requirements, but also asks those completing it to think about their health and wellbeing.

Completing a risk assessment is not the end of the process — risk assessments need to be reviewed by competent persons and any risks identified addressed. Although this is likely to be easier within a workplace, systems must be set up to review the risk assessments and contact made with remote workers to carry this out. Although it may not be necessary for the line manager to carry out a home visit, a discussion still needs to be had to ensure that employees are complying with best practice. For example, when carrying out a display screen equipment assessment, the risk assessment can be used to give guidance on setting up equipment and musculoskeletal health. In addition, information on work organisation and screen breaks can also be disseminated and discussed to ensure the employee understands the need for postural change.

Health surveillance may also be a requirement dependent on the work tasks carried out by employees, such as night work or exposure to different hazards. This, again, gives an opportunity for meeting and discussing different aspects of the work, including health. One of the main issues that can affect those working outside the workplace is that of isolation and a perception of having no impact on the decision-making process. Although this may not be directly related to health, it has the

potential to impact on mental well-being. Including your remote workforce in discussions and decision-making can be challenging for those managing this group. Where face-to-face discussion is not possible, technology and video-conferencing or online meetings can facilitate the process.

Remote working can reduce time spent travelling, allow contact with customers, and ensure good customer service to clients. Those individuals working in this way still need to feel part of the workforce and be participants in decision-making for all aspects of their work, including managing of their own health. The use of technology can aid us in that process, but will never remove the need for good managers to find new ways of managing and trusting their staff.

Company Driver

HEALTH & SAFETY CHECKLIST

Company

Name of Driver

Description of Vehicle

Vehicle Registration

Management

| | YES | NO | N/A | COMMENTS |
|--|--------------------------|--------------------------|--------------------------|----------------------|
| The driver has been instructed to inform the employer of any amendments to the licence. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver is made aware of the company's zero tolerance policy towards drink driving. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver has suitable insurance cover.* | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver has a copy of the company handbook/driver rules.** | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver is aware that they must report any conditions that could affect their driving ability.*** | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Guidance has been provided to the driver on acceptable driving hours in order to minimise fatigue. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver has been issued with clear instructions regarding mobile phone usage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Changes to road traffic legislation are brought to the attention of the driver. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| If the driver handles loads, they have been given manual handling training. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver carries out regular pre-journey checks, particularly before making long journeys, e.g. tyres, windscreen, lights, brake fluid, washer bottle levels and other safety items. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Records have been retained of the pre-journey checks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Clear road traffic accident and emergency procedures have been provided to the driver. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |

| | YES | NO | N/A | COMMENTS |
|--|--------------------------|--------------------------|--------------------------|----------------------|
| Clear instructions have been given to the driver with regard to adverse weather conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Breakdown cover is provided and relevant details are retained by the driver. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| If appropriate, the driver has been given personal security training.**** | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Clear instructions have been provided to the driver regarding journey planning (e.g. allocating extra time to allow for breaks and to minimise driver stress and fatigue). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |

The Vehicle

| | | | | |
|---|--------------------------|--------------------------|--------------------------|----------------------|
| The vehicle has been serviced as per the manufacturer's recommendations. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The vehicle is subject to MOT tests, with any necessary repairs carried out. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| If the vehicle is considered smoke-free under applicable legislation, suitable "No Smoking" signs are displayed.***** | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |

Ergonomics

| | | | | |
|---|--------------------------|--------------------------|--------------------------|----------------------|
| The driving workstation is set up correctly. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driving workstation is clear and uncluttered. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| Does the driver suffer from any problems that may be driving related, e.g. back pain, pain in the limbs and joints, neck pain, numbness or loss of feeling in the hands, etc? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |

The Driver

| | | | | |
|--|--------------------------|--------------------------|--------------------------|----------------------|
| The driver holds an appropriate, valid driving licence. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver is not suffering from any condition that may affect their driving ability, e.g. heart condition or epilepsy. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |
| The driver has sufficient driving experience (e.g. number of years since passing test, advanced driving/ defensive driving courses, etc) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/> |

Notes

- * Drivers using their own vehicle for work activities must have the vehicle insured for business use.
- ** The Policy should include adherence to speed limits and the Highway Code, use of mobile phones, smoking in company vehicles, personal security (e.g. leaving items and equipment out of view, locking doors, etc).
- *** The use of medication such as antihistamines (commonly used to control hay fever) and some proprietary cold cures may induce drowsiness. The label of the medication should state if it is unsafe to drive when taking it.
- **** Personal security training should be given to drivers who handle money, valuable goods, etc.
- ***** Generally any vehicle that is used by more than one person or carries passengers (including taxis) will be considered smoke-free. Smoking is allowed in a company car that is provided for the sole use of the driver.

Q&A'S



Renewing a First Aid at Work certificate

Q. I have been informed that employees who hold a First Aid at Work certificate that has expired can now requalify by completing a revalidation course at any time, rather than within 28 days of expiry. Is this the case?

A. Under the Health and Safety (First-aid) Regulations 1981, all first-aid training certificates, be they First Aid at Work (FAW), Emergency First Aid at Work (EFAW), or other appropriate level of training, are valid for three years.

Prior to the amendment to the above regulations in October 2013, the Approved Code of Practice and Guidance to the Regulations (L74) stated that “where retraining has not been undertaken before certificate expiry, it should be completed no more than 28 days beyond the expiry date” and that “if retraining is not completed by the end of this 28-day period, the individual will need to undertake a full FAW course or EFAW course, as appropriate, to be re-established as a first-aiders”.

The recently published guidance that replaced L74 contains slightly different guidance. This states that employers need to arrange retraining before certificates expire. The guidance confirms that if a first-aiders does not retrain or

requalify before the expiry date on their current certificate, they are no longer considered competent to act as a first-aiders in the workplace.

However, the new guidance differs in terms of requalifying periods. The Health and Safety Executive now states that first-aiders “can requalify at any time after the expiry date by undertaking the two-day requalification course”.

This is somewhat qualified, however, by the guidance stating further that “it may be prudent to complete the three-day FAW course, especially where a considerable period — i.e. in excess of one month — has elapsed since the FAW certificate expired”.

The guidance also notes that, ultimately, it is for the employer to decide the most appropriate training course to requalify the first-aiders.

It is also worth noting that previous guidance in L74 stated that “employers may find it useful to keep a record of first-aiders and certification dates to help with the timely arrangement of further training”. The new guidance now states that “employers should keep a record of first-aiders and certification dates to help with the timely arrangement of further training”.

Q&A'S

Legal duties under CDM

Q. My organisation will be the client for construction work that has been commissioned. The Construction (Design and Management) Regulations 2007 (CDM Regulations) apply to the project but it is not notifiable to the Health and Safety Executive. Are we obliged to appoint somebody in-house to manage our legal duties under CDM Regulations?

A. With any construction project, clients can have a significant influence over the way a project is run and therefore “they are made accountable for the impact their approach has on the health and safety of those working on or affected by the project”.

Under the CDM Regulations, clients have a number of duties, such as ensuring competent contractors are appointed and that they co-operate with others concerned in the project as is necessary to allow other duty holders to comply with their duties under the Regulations.

It is recognised that clients will not be experts in construction health and safety but they are expected to ensure that various duties are undertaken, even though they do not have to undertake them themselves.

For projects that are notifiable to the Health and Safety Executive (HSE), the CDM co-ordinator would advise

the client on how best to meet their duties. For projects that are not notifiable, the HSE states that most clients “should be able to carry out these checks for themselves” but that if help is required “this should be available from the competent person you have appointed under the Management of Health and Safety at Work Regulations 1999”.

In addition, guidance document Industry Guidance for Small, One-off and Infrequent Clients produced by Construction Skills and the HSE, states that “before your project even starts you need to identify who in your organisation will be the single point of contact, i.e. ‘the client’s representative’, for the project”.

Although it is not a requirement under the CDM Regulations, such an appointment is considered best practice and can avoid confusion about who was going to do what and when as the project develops.

It is recommended that the representative should be a member of in-house staff but, if relevant competencies are not available, a third party can be appointed to act in this role. However, the appointment of an external agent to carry out the client’s duties does not absolve the client of their legal responsibility under the CDM Regulations.



News ROUND UP

February 2014

Map of H&S myths

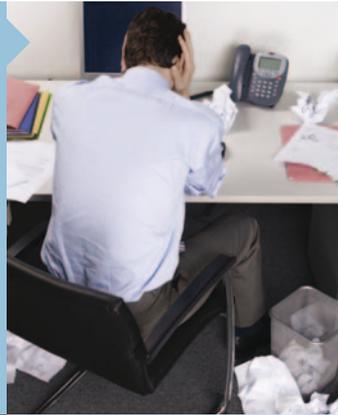
The Department for Work and Pensions (DWP) has produced a new UK map of "bogus 'elf and safety excuses'", based on the jobsworth decisions reported to the Mythbuster Panel of the HSE. The map shows that more people in London and the south east have reported ill-founded health and safety excuses than any other part of the UK, with more than 50 cases reported over the past year.



One in five takes time off due to stress

A new survey has concluded that one in five employees has been forced to take time off work due to stress after dealing with unrealistic expectations at work. The survey was conducted by serviced office provider Business Environment, and found that:

- 29% of workers feel stressed at work all, or most of, the time
- 21% said they took work home at least once or twice a week



Progress on pilot project: safety of older workers

The European Agency for Safety and Health at Work (EU-OSHA) has confirmed it is planning a conference in June 2015 to present its pilot project on the health and safety of older workers. The pilot project workers began in June 2013 and will run until the end of 2015. According to the HSE, owing to demographic trends towards an ageing population in Britain, it is reported that by 2020 almost a third of the workforce will be over the age of 50.



Workers sneeze and the economy catches a cold

According to new research by the British Heart Foundation (BHF), nearly 650,000 UK workers phone in sick every week and, added to the worklessness caused by ill health, this is estimated to cost the UK economy £100 billion a year. The research also shows that ill health limits many people's ability to do their job properly, even when they can make it into work.

Fourth prosecution under corporate manslaughter law

J Murray & Son Ltd at Ballygowan of Co. Down, Northern Ireland have become the fourth company to be prosecuted under the Corporate Manslaughter and Corporate Homicide Act 2007 after a 47 year-old employee died after he became entangled in moving parts of a meal blending machine. They were fined £100,000, plus £10,450 in court costs, at Belfast's Laganside Crown Court.



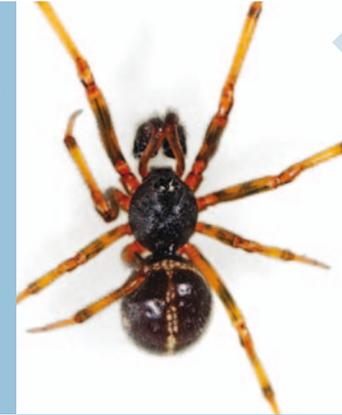
Pause on hairdressing health and safety laws

The National Hairdressers' Federation (NHF) has welcomed a recent decision by the European Commission (EC) not to press ahead with proposed changes to health and safety laws affecting salons. As part of its drive to cut red tape, the EC has announced it will not be taking forward proposals which, the NHF said, could have banned salon staff from wearing high heels, required them to wear elbow-length gloves when washing hair and limited the amount of time they could spend with clients on the salon floor.



Advice on e-cigarettes issued

The Chartered Institute of Environmental Health (CIEH) and the charity, Action on Smoking and Health (ASH), have published a joint briefing note on electronic cigarettes (e-cigarettes). The briefing note "Will You Permit or Prohibit E-cigarette Use on Your Premises?" has been produced to assist organisations considering the use of e-cigarettes by their staff, clients or customers, or generally on their premises.



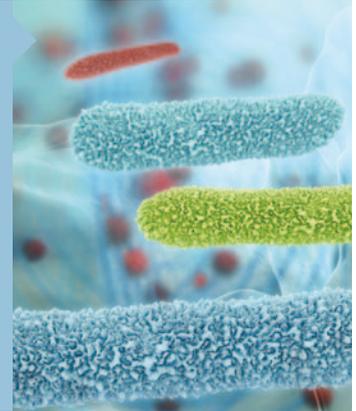
School closed after false widow scare

A school in Gloucestershire briefly closed for fumigation in the "best interest of students' health and safety," after false widow spiders were found on the premises. The spider, which is brown with reddish-orange legs and cream markings, is said to be Britain's most venomous, although there have been no reported deaths from its bite in the UK. The school reopened shortly after fumigation.



Update on copper ionisation systems for legionella control

The HSE has recently made an announcement regarding water treatment systems that use elemental copper for legionella control and how these systems should be dealt with, considering recent changes in EU rules. From 1 February 2013, the Biocidal Products Directive (98/8/EC), and the national Biocidal Products Regulations 2001, which implement the Directive in Great Britain, no longer allowed the marketing and use of elemental copper as a biocide.



Launch of study on health and safety attitudes

The Universities of Reading and Portsmouth have announced a major new study, funded by the Institution of Occupational Safety and Health (IOSH), to examine how the social standing and perceived value of health and safety regulation has changed over the past 50 years. In particular, the historical and legal scholars are to look at why the phrase "health and safety" sparks hostility among so many Britons, despite regulation saving thousands of lives.



Managers too stressed to notice stress in others

According to a new study from Bupa, one in five middle managers has felt stressed for more than a year, with one in 10 feeling "close to breaking point". As a result, many are unable to support members of their teams with their own stress problems. The research found that 51% of managers feel "constantly worried" and a disturbingly high number (40%) have experienced depression as a result of being stressed. Real estate is identified as the UK's most stressed sector, with more than half of workers (54%) reporting problems.

Ask the expert...

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

Our experts are IOSH accredited and ready to answer any questions you might have.

Our fire protection contractor wants us to put fire extinguishers on all exits. Are we legally required to do so?

We have a qualified fork lift truck driver – does he have to sit a refresher after three years even if he uses the truck every day and has had no incidents?

We are holding a public event and have been told to carry out a risk assessment. What do I need to do?

What are our H&S obligations to remote workers?

How to 'Ask the expert'

1. Go to www.legislationwatch.co.uk
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3. Enter your question on the form
4. We will respond via email within 48 hours!

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