

# LegislationWATCH

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

## Preparing for winter risks

Inside this issue...

HSE Arm-Hand  
Vibration



Asbestos  
and Schools



To Train or  
not to Train



**SAFETY  
MADE  
EASY**

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# Letter FROM THE EDITOR



Dear Customer,

Welcome to the latest edition of Legislation Watch.

The cold, dark winter months are well and truly upon us. This edition we will equip you with all the information you need to help keep your business safe during the cold snaps, as well as information on hand-arm vibration, first aid training, asbestos in schools and much more.

Cold weather, snow and ice can cause and accentuate many work-related risks which have to be dealt with by organisations. We also have to be mindful of other weather conditions that bring many risks to employees such as strong winds and cold temperatures. We've covered everything from assessing the risks, control measures and how to deal with temperatures in the workplace. Take a look at our winter articles on pages 6-10.

I hope you enjoy this edition of Legislation Watch magazine. As always we'd love to hear your feedback and suggestions, you can email us at [legislationwatch@seton.co.uk](mailto:legislationwatch@seton.co.uk).

Don't forget you can get all of this information online including printable PDF checklists, downloadable training tool presentations and access to our unique 'Ask the Expert' service where you can have your health and safety questions answered by our IOSH accredited experts for FREE! Simply go to [www.legislationwatch.co.uk](http://www.legislationwatch.co.uk).

Happy Reading!

*Heidi Malcolm*

Heidi Malcolm  
Deputy Editor

# Legal UPDATE



## Petroleum (Consolidation) Regulations 2014

These regulations consolidate and modernise the petrol storage legislative framework in England, Scotland and Wales. Regulation 4 provides a general prohibition preventing the keeping of petrol, except in compliance with regulations 5 or 13. Part 2 (regulations 5 to 12) deals with the storage of petrol in dispensing premises (non-domestic premises). Regulation 5 requires that such storage be in accordance with a valid storage certificate. Prescribed material changes (regulation 8 and specified in Schedule 1) require notification to the petroleum enforcement authority, which results in the issue of a new storage certificate subject to certain requirements in regulation 6. Regulations 9 and 10 make provision for a change of operator of a dispensing premises to be notified to the petroleum enforcement authority. Regulation 12 applies general prohibitions on the dispensing and supply of petrol. Part 3 (regulations 13 to 17) deals with the storage of petrol in domestic and other relevant premises, from minimal amounts (a maximum of 30 litres) to larger

quantities (up to 275 litres). Where storage is required for quantities in excess of 275 litres, provision is made on the basis of a licence issued under regulation 14. Part 4 of the regulations (regulations 18 to 26) contains various miscellaneous provisions for enforcement, manufacture of portable petrol storage containers (regulation 19 and Schedule 3), repairs of containers (regulation 20), the prohibition on direct filling of fuel tanks from road tankers, and transitional provisions relating to repealed or revoked legislation listed in Schedule 4 (regulations 22 to 25). The operation and effect of these regulations is to be reviewed within five years of their entry into force and every five years thereafter.

### HSE Consultations

HSE has sought views on a number of revised Approved Codes of Practice (ACoPs), following the agreement to review such documents identified by Professor Ragnar Löfstedt in his report Reclaiming Health and Safety for All: An Independent Review of Health and Safety Legislation.

## Approved Code of Practice (ACOP) L122 to the Pressure Systems Safety Regulations 2000

The HSE notes that, in a general review of ACoPs, there were very few responses concerning this particular ACOP compared to other ACoPs. Although it is crucial for ensuring safe use of pressure systems, it is not particularly high profile outside its target audience, nor is it controversial. The consultation asked specific questions on the revised ACOP's new format, e.g. where material has been moved from the introduction to an appendix. The regulations are unchanged, so there are no new requirements for compliance. The consultation ended on 13th October 2014.

## Approved Code of Practice (L113) relating to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

The amendments proposed are designed to bring the document up to date with regulatory and other changes and to make the understanding and use of the document easier, particularly with regard to clarifying which equipment is subject to the provisions of the regulations and the role of the competent person. The amendments also accommodate suggestions made in the earlier consultation (September 2012). Please note that this consultation is not seeking views on the Lifting Operations and Lifting Equipment Regulations 1998 to which this ACOP applies. There are no plans to change the regulations themselves at this time.

## Approved Code of Practice (ACOP) (L101) relating to the Confined Spaces Regulations 1997

The amendments proposed are designed to bring the document up to date with regulatory and other changes and to make the understanding and use of the document easier, particularly with regard to clarifying the definition of a confined space. The changes also accommodate suggestions made in an earlier consultation (September 2012). Please note that this consultation is not seeking views on the Confined Spaces Regulations 1997 to which this ACOP applies. There are no plans to change the regulations themselves at this time.



## Self-employed persons

HSE has also proposed to exempt self-employed persons from s.3(2) of the Health and Safety at Work, etc Act 1974 (HSWA), except those undertaking activities on a prescribed list. It welcomed views on the clarity of the proposed definitions, relied upon in the draft regulations, of those, self-employed persons who will continue to have duties under health and safety law and on the costs and benefits of the proposed changes as set out in the Impact Assessment annexed to the consultation document. The proposal to exempt certain self-employed persons from health and safety law is again derived from a recommendation made by Professor Löfstedt in his report Reclaiming Health and Safety for All: An Independent Review of Health and Safety Legislation. He recommended that self-employed persons be exempt from health and safety law where they pose no potential risk of harm to others through their work activity. The Great Britain regulatory framework for health and safety, in particular s.3(2) of HSWA, places general duties on everyone "at work" including the self-employed.

The prescribed list is designed to strike a balance between the need to free self-employed persons from unnecessary perceived requirements, while still providing the important protections to those who need it. It covers activities in areas including: agriculture and forestry; construction and design; compressed air; diving; chemicals, explosives and other dangerous substances; asbestos; electricity; equipment and plant; pressure systems; mining and quarrying; pipelines; railways and other guided transport; health and social care; waste management; amusement; gas; genetically modified organisms; nuclear and ionising radiation; and offshore work.



# PREPARING for Winter Risks

Cold weather, snow and ice can cause and accentuate many work-related risks which have to be dealt with by organisations. Slipping on icy walkways is an important hazard which can affect both employees and members of the public. Low working temperatures can present particular health and safety problems. Getting to and from work in snowy conditions puts staff at risk. Driving for work in ice and snow is especially dangerous.

## LOW TEMPERATURES IN THE WORKPLACE

The Health and Safety (Workplace) Regulations 1992 with its associated code of practice (ACOP) require the temperature inside workplaces to be reasonable. What is a reasonable temperature is dependant on the work activities and circumstances and guidelines are given in the ACOP.

For workrooms where there is no work which involves severe physical effort e.g. an office, then the temperature should not drop below 16°C. There are many situations where this minimum temperature cannot be achieved, for example where food is handled or work outdoors. In these situations, warm clothing, hot drinks, warm rest areas, time limitation in the cold areas and similar measures should be taken. Portable heating is a short-term solution to changes in weather whereas long-term fixed solutions are preferred. However if portable heaters are to be used then they should be subject to portable appliance testing, visually inspected prior to use and risks from fire considered.

## SLIPS

One of the most significant risks associated with wintery weather is the risk of slips due to snow and ice on walkways and paths. Employers have a duty of care not just to their own staff, but also to non-employees such as the public and other visitors. Serious injuries can result from slipping on ice and while prosecutions do occasionally take place following slipping accidents, potentially expensive civil claims are more likely.

Employers therefore need to be prepared for bad weather and take reasonable action to keep paths and walkways free from ice and snow. This is not an exact science and it is sometimes impossible to keep all accesses free from snow and ice, all of the time. The risk assessment should have identified priority walkways and take appropriate action to keep them safe. This will include the use of salt and grit as well as warning signs. Employers need to be able to show that they have properly considered the issue and have spent an appropriate amount of resources commensurate with the risk.

For more on slips and trips see the following article "Mind your feet this winter" on pages 8-10.

## Driving for Work

The requirements of the Health and Safety at Work etc. Act 1974 include the time when employees are driving, or riding at work, whether this is in a company or hired vehicle, or in the employee's own vehicle (but not the daily commute).

Wintery weather can cause extreme risks and the effects of snow and ice can make driving very dangerous. Risk assessments performed under the Management Regulations should include driving for work.

The risk assessment may need to include when not to drive at all and in what circumstances this action may have to be taken. Guidance and requirements for maintenance of vehicles are also required, as well as information about safe driving techniques in bad weather from sources such as the Highways Agency, ROSPA, the AA and the RAC.

To manage winter road risk, it is recommended that employers:

- Assess all occupational road risk relevant to the organisation through a risk assessment, considering the three fundamental areas, the:
  - ✦ Driver
  - ✦ Journeys
  - ✦ Vehicles.
- Analyse existing control measures to determine if they are adequate for:
  - ✦ All vehicles used for business purposes
  - ✦ All business-related journeys
  - ✦ All company vehicle drivers.
- Implement further control measures as necessary, following the hierarchy of risk control, which may include:
  - ✦ Eliminating the need to travel
  - ✦ Substituting for another form of transport
  - ✦ Minimising the risk by appropriate control measures.
- Ensure necessary training is provided to employees who use their own vehicles at work
- Monitor and review the occupational road risk strategy to ensure it is successful in reducing the risks.

Seton Recommends...

# Mind your feet THIS WINTER

The danger with slip and trip accidents is that they are so commonplace that people begin to believe that they are inevitable, and can only be accepted - not controlled. This is especially true in the winter months when the cold begins to bite.

However a sensible risk management programme, which focuses on factors related to the individual, the activity or task being performed and the workplace environment, can dramatically reduce both the likelihood of such accidents taking place and the severity of those that do occur, not just in winter but throughout the year.



### Main Causes of Slips

Slips often take place when there is not effective contact between a shoe sole and the floor surface. This can be due to:

- Faults with the floor surface
- An inappropriate floor surface
- Inappropriate footwear or contamination between the shoe sole and the floor surface such as mud, oils, greases and water
- Weather conditions including rain, snow and ice.

All of these factors, either individually or in combination, affect slip resistance.

### Preliminary Assessment

The purpose of a preliminary assessment is to determine what areas and activities involve a significant risk of slip and trip injury and therefore warrant a full risk assessment. Often such an approach involves direct observation during safety sampling exercises or inspections.

### Conducting a Detailed Slip and Trip Assessment

When carrying out a detailed assessment of the risks of slips and trips it is important to consider the individual e.g. age, medical conditions or disabilities, physical capabilities such as strength, height, type of footwear and training given. The task should be examined e.g. nature of any loads carried, movement from wet to dry areas, changing levels (stairs, ramps etc.) and equipment used. Also the immediate environment

- Is the floor level, dry and free from spillages and obstructions?
- Does the floor provide sufficient grip? (Cleaning materials may affect grip)
- Are the stairs in good condition?
- Are the treads level and even?
- Are all the treads of similar lengths (goers) and dimensions?
- Are all the heights between treads (risers) of similar dimensions?

- Is the slope (pitch) suitable for safe access and not too steep or too shallow?
- Is a handrail required for safe access and, if so, is it suitable and in good condition?
- Are the edges of the treads (nosings) in good condition?
- Where coverings, such as carpets, are used, are they suitable and in good condition?
- Is there enough lighting in possible slip and trip areas, such as stairways and steps?
- Are there areas of shadow or significant changes in levels of lighting?

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Car Park Sign  
Style No. WSIGN33



18kg Spreader  
Style No. WSS2

- Are there areas affected by glare?
- Is the lighting behind the person, which may cast a shadow (this is particularly significant in possible slip and trip areas, such as stairways and steps)?
- Is the lighting well maintained?
- Is sufficient emergency lighting provided, particularly on traffic routes?
- Is the area generally wet (e.g. this is a possibility in the kitchen or around a swimming pool)?
- Is non-slip flooring provided?
- Are mats, etc. provided to dry shoes when moving from wet to dry areas or from outdoor areas to indoor areas?
- Are areas and traffic routes cleaned regularly and kept free from spillages and sources of obstruction?
- Are areas and traffic routes inspected regularly and are records of these inspections kept?

**Control Measures**

If it is not reasonably practicable to eliminate slip and trip hazards, the remaining risks should be reduced to an acceptable level. Often the best approach is to incorporate the control of slip and trip hazards in the overall risk management system, rather than trying to deal with individual issues in an ad hoc manner.

General measures to control slip and trip hazards include the following.

- Cleaning and maintenance, especially of floor surfaces, should take place

- regularly. Maintenance schedules and procedures should ensure that the building fabric, traffic routes and lighting, etc. remain effective and in good order. If wet floor cleaning is necessary, it should be scheduled to take place outside of normal working hours, wherever possible
- Equipment should be maintained in order to reduce the leakage of liquids, and containers holding substances should be regularly inspected for leaks
- Adequate storage facilities must be provided, and rigorous housekeeping regimes should be implemented in order to reduce clutter that might cause trips
- Adequate lighting levels must be provided so that people can spot obstructions and slippery areas, etc. Additional lighting may be required at any surface level changes
- Floor surfaces must be checked regularly for loose finishes, holes and cracks, and worn coverings, and must be suitable for wet or dusty conditions if these are likely to arise
- Obstructions and spills must be removed immediately, and work areas and means of access and egress must be kept in a good condition generally
- Where obstructions and spills cannot be removed immediately, warning signs and barriers should be erected
- Non-slip flooring should be provided in wet and other high-risk areas

- Effective cable-management procedures should be implemented to prevent trailing leads, etc. in walkways and other traffic routes
- Employees should wear suitable footwear. There should be means to dry footwear where it is likely to become wet. It is important to provide signs, etc. where a change from a dry to a wet floor surface takes place
- Workplace designs and layouts should reduce risk, and appropriate methods of work should be introduced and followed.

**Inspection and Monitoring**

Workplaces should be subject to regular inspection and random monitoring using techniques such as safety sampling. Safety sampling involves dividing the workplace into routes that can be walked briskly in 5–10 minutes. A route is selected at random and walked by someone independent of the area, who makes a note of any hazards (including slip and trip hazards) spotted. Inspections involve observation of physical factors in an area, making use of a standard checklist (which will include reference to slip and trip hazards). These techniques help to ensure that traffic routes remain clear and unobstructed, that no trailing leads obstruct walkways and that stairways and passageways remain well lit, free from obstruction and in good repair.

**Cold Weather Solutions**

Numerous cold weather product solutions are available to help reduce physical slip and trip risks:

- De-icing equipment such as bags of de-icing salt, grit spreaders and grit bins are essential for premises that have external areas such as car parks and pathways. These items often sell out quickly when snow is forecast so it is recommended that employers check their stock before winter arrives
- Snow shovels are useful for quickly clearing snow, however it would be useful to include their use in premises risk assessments in case an employee injures themselves while shovelling
- Hazard warning signs can be helpful to warn people accessing the premises of slippery/icy areas. Also it might be more practical to clear a single access

- route to buildings, in which case diversion type signs might be used. 'A-frame' floor standing signs can be used for highlighting slippery areas inside buildings but be aware that they may also create a tripping hazard themselves if placed in unsuitable areas e.g. blind corners
- Don't forget about company drivers - it will be useful to provide them with equipment that allows them to dig their car out if caught in snow e.g. portable shovel and car traction aids.



# HSE response to CDM consultation



**On 31 March 2014 the Health and Safety Executive (HSE) opened a public consultation exercise on its proposed changes to the Construction (Design and Management) Regulations 2007 CDM). This followed an extensive informal consultation with different stakeholders from the construction sector. The formal consultation closed 10 weeks later.**

Two key aims of the proposed changes were to make it easier for smaller organisations to understand and implement the CDM regulations and to bring the regulations more in line with the Temporary or Mobile Construction Sites Directive (TMCSO). At the HSE Board meeting on 13th August 2014, it considered a paper summarising the response to the consultation exercise. In this article the main points arising out of the consultation exercise will be reviewed. The HSE has made clear that it is still intending to introduce the new amended CDM Regulations in April 2015.

**Main direction fine: changes in the detail needed**

There were 1427 responses to the consultation, which was "among the highest of any consultation undertaken by the HSE". While there were some concerns about specific issues, the HSE concluded that representative industry bodies supported the proposals. However, some stakeholders expressed concern that the changes may not have a significant impact on smaller organisations.

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The HSE set out a number of consultation themes and the responses to these are given below.

**Simplification of the CDM Regulations**

- While most respondents agreed that the proposed amendments would make the regulations simpler to understand, there was concern over the following.
- The proposals include lowering the threshold for which appointment of the principal designer (pre-construction) and principal contractor (construction phase) is required. It was thought this could cause difficulties for the smaller contractors
- The HSE would retain duties on designers but some stakeholders are sceptical about how much influence designers can exert over the construction phase
- By aligning the proposals more closely to the TMCS D there will be a requirement for a written health and safety plan for all construction projects. Currently, written health and safety plans are required for notifiable projects. Following the consultation exercise, the HSE has also accepted that there needs to be more flexibility in

the transition arrangements so that the changes can be absorbed by the construction sector.

**Retention of the Approved Code of Practice**

The HSE proposed that the Approved Code of Practice (ACOP) associated with the CDM Regulations be removed and replaced with sector-specific guidance. After many stakeholders objected to the removal of the ACOP, the HSE has agreed to develop a "new, shorter signposting" ACOP, following the implementation of the new CDM Regulations. The new ACOP would provide some key principles to implementing the new CDM Regulations, but would be supplemented by the HSE and joint HSE/industry guidance. Work on this would start in 2015. Hence, the HSE would be looking for a lead and significant co-operation with the construction sector to develop supporting guidance.

**Abolition of the CDM co-ordinator role and replacement with a principal designer**

One of the main proposals was to abolish the role of the CDM co-ordinator and replace it with a principal designer. The HSE felt that in making this proposal the pre-construction phase would be best fulfilled by a designer rather than a CDM co-ordinator. This drew quite a bit

of comment. There was a concern from some stakeholders that designers would not be too keen to take on the co-ordinator role.

Despite the concerns, the HSE felt that the proposed changes would improve co-ordination between the pre-construction and construction phase of a contract.

**Competence**

In the current ACOP there are specific requirements identifying the competence of workers and organisations by which clients should select relevant specialists and contractors. These are currently identified in Appendix 4 of the ACOP. However, a multitude of accrediting organisations has arisen, which has caused confusion about which is best suited for specific parts of the construction sector. This issue is exacerbated by the procurement requirements of many clients, particularly local authorities. The HSE proposed to abolish Appendix 4 of the ACOP and replace it with a more general and less prescriptive legal framework for identifying competence. The comments

received during the consultation exercise raised concerns that the HSE proposals would not adequately address the problem and may undermine the standards that already exist. Hence, the HSE will review the draft regulations with regard to competence to improve the "clarity" of the wording. However, it remains convinced that the current competence requirements should be replaced.

**Notification of construction projects**

The proposals made by the HSE include a change to the notification requirements for construction projects. Currently, the requirement to notify the HSE of a construction project is if it is expected to last more than 30 days or will involve more than 500 person days of labour. The new proposal would require the HSE to be notified if the project lasted more than 30 working days and involved more than 20 workers simultaneously. This change would bring the CDM Regulations in line with the Directive. However, it was expected that this change would mean that fewer notifications would be made to the HSE. A second effect would be to domestic

clients. Projects involving domestic clients who met the new notification criteria would no longer be exempt, as is the current situation. However, the HSE indicated that for smaller projects, notification should not create a burden.

**Client duties**

The HSE proposals include an approach to increase the focus of the CDM Regulations onto commercial client responsibilities. This approach is particularly supported by principal contractors and contractors. However, two main concerns arose. The responsibilities of clients involved in small projects may be onerous and as a result, they may seek advice from professionals, if the principal designer does not provide satisfactory information. The strengthening of clients' responsibilities may provoke a back reaction, leading to more bureaucracy as a result. In other words, an increase in the client's responsibilities may lead to a greater bureaucracy to "cover the client's back". A key concern here is the removal of the exemption on domestic clients. The HSE recognises that a householder is unlikely to have the knowledge to fulfil the client's responsibilities. As a result, the HSE has proposed that the "default" position is for the

principal contractor or contractor to take on the client's responsibilities. If the domestic client agrees, the designer could take on the responsibilities. While the HSE recognises this is a difficult issue, in principle, it believes the change should be made. However, it will be revising the proposed legislative text to clarify the provisions applying to domestic clients.

**Future action**

The HSE has indicated that as a result of the consultation, it will amend the draft regulations in the areas identified above. Probably the most significant change from its planned approach is to keep an ACOP to the regulations, albeit a more streamlined version. A key driver for the changes was to make the regulations easier to be understood and implemented in smaller construction projects. The HSE is relying on stakeholders in the construction industry to help develop sector-specific guidance. It appears that the HSE would like the regulations to provide a more general framework for implementing health and safety controls on all constructions sites - large or small. In the latest "intensive inspection" of construction sites, the HSE found about 50% of those inspected were in breach of legal requirements. If the amended proposals are in place by April 2015, the construction sector will be facing a major challenge to improve health and safety standards on site.



CONTINUED >>

# Updated information on hand-arm vibration

Hand-arm vibration comes from the use of hand-held power tools and is the cause of significant ill health, including painful and disabling disorders of the blood vessels, nerves and joints. The condition is preventable, but once the damage is done it is permanent.

The pocket card, INDG296 Hand-arm vibration. A guide for employees, is aimed at workers who regularly use hand-held powered equipment.

It explains:

- What hand-arm vibration syndrome (HAVS) is
- The symptoms of HAVS
- How to reduce the risks of developing the disease.

The card points out that the use of handheld powered work equipment and work pieces can cause both HAVS and carpal tunnel syndrome.

Carpal tunnel syndrome is a nerve disorder that may involve pain, tingling, numbness and weakness in parts of the hand and can be caused by, among other things, exposure to vibration.

The HSE warns that HAVS:

- Affects the nerves, blood vessels, muscles and joints of the hand, wrist and arm
- Can become severely disabling if ignored
- Includes vibration white finger, which can cause severe pain in the affected fingers.

According to the HSE, nearly 2 million people in the UK are at risk of HAVS.



The HSE has updated its pocket card offering guidance on hand-arm vibration for employees. <http://www.hse.gov.uk/pubns/indg296.pdf>

CONTINUED... >>



According to the HSE, nearly **2 million people in the UK** are at risk of HAVS.

**LEGAL REQUIREMENTS**

**Control of Vibration at Work Regulations**

By law an employer must assess and identify measures to eliminate or reduce risks from exposure to hand-arm vibration. This will protect employees from risks to their health.

Where the risks are low, the actions needed, will be simple and inexpensive. If the risks are high, use a prioritised action plan to control exposure.

**Exposure Action Values (EAV) and Exposure Limit Values (ELV)**

The EAV for hand-arm vibration is a daily exposure of 2.5 m/s<sup>2</sup> (A)8. The value is averaged over an 8-hour exposure period. If this is exceeded you are required to take action to control exposure. The ELV is the maximum level of exposure permitted by the regulations and is a daily exposure of 5 m/s<sup>2</sup> A(8). Exposure levels must be reduced below this level.

**Key Action Steps**

- Undertake a risk assessment to identify if the EAV or ELV are exceeded
- Consider measures required to reduce the risks from Hand Arm Vibration
- Decide upon any health surveillance

- Implement and maintain a stringent policy for purchasing new power tools

**Risk Management**

**Risk Assessments**

The purpose of the assessment is to determine whether or not the EAV or ELV are exceeded. If so, determine what needs to be done to reduce the risks. Consider the degree of risk in your assessment including factors such as amount of vibration, how long the tools are used for, the working posture and how cold it is.

- Make a list of equipment or activities that may expose employees to vibration
- Collect information about the equipment on vibration risks (from manufacturers)
- Check with the manufacturer that the vibration emission declared in the instruction manual is representative of your normal use of the equipment
- Identify the employees who use the equipment
- Note for how long the employees are actually in contact with the machinery when vibrating. ("trigger time" may only be a few minutes in several hours of working time)
- Consider other problems such as weight and awkward postures.

**Risk Control**

When the risks have been identified, they can then be reduced by measures such as:

- Using alternative work methods
- Replacing old equipment with new
- Improving the maintenance on the equipment
- Providing clothing to keep employees warm and dry (this helps to improve blood supply to the hands)
- Some tools might be modified by adding anti-vibration handles or plastic vibration reducing materials on the handles
- Reducing number of tasks where vibrating tools need to be used
- Improving quality standards and eliminating the need for excess material to be removed by grinding etc.
- Reducing exposure times by job sharing or job rotation

**Training and Information**

Employees should be provided with information on:

- The effects of hand-arm vibration
- Sources of hand-arm vibration
- The findings of the risk assessment
- The symptoms and how to report them
- Ways of reducing the risks.

# Training TOOLS

## This edition... Hand-arm vibration

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.

**Hand-arm vibration comes from the use of hand-held power tools and is the cause of significant ill health, including painful and disabling disorders of the blood, vessels, nerves and joints. This condition is preventable, but once the damage is done it is permanent.**

**By law an employer must assess and identify measures to eliminate or reduce risks from exposure to hand-arm vibration. This will protect employees from risks to their health.**

**This downloadable presentation covers:**

- Legal requirements
- Control of vibration at work regulations
- Risk Management
- Training and information

.... and much more!



**Seton Recommends...**

**Anti-Vibration Gloves**  
Style No. 8621701

## FREE Training Tool Slides!

Download our useful presentation on Hand-arm vibration.

### How To:

1. Go to: [www.legislationwatch.co.uk](http://www.legislationwatch.co.uk)
2. Click on Knowledge Centre → Training Tools
3. Select the Training Tool you wish to download



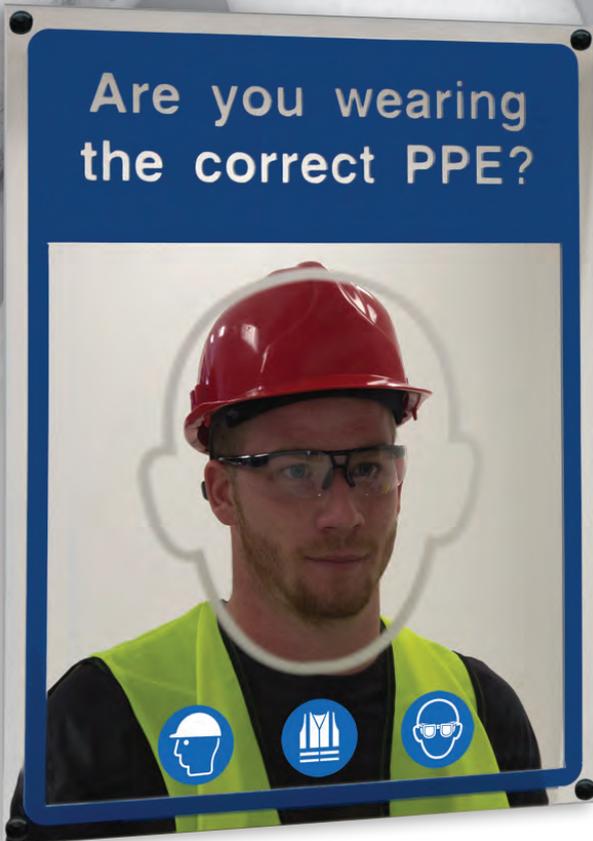
SETON CUSTOMER SURVEY HIGHLIGHTS

# Key issues in PPE management

**Problem...**

**Solution...**

The Health and Safety at Work Act 1974 is the primary piece of legislation covering occupational health and safety in the UK. In order for customers like Health and Safety Managers and Facilities Managers to comply with this law, they must have an effective Personal Protective Equipment (PPE) management process.



**Customer Survey**

In order to get closer to customers, Seton conducted a survey to find out more about the management and usage of PPE from a customer perspective. The 106 respondents were from Construction, Education, Manufacturing and Facilities Management sectors with most involved in the purchasing and management of PPE in their organisation.

Of those who actively manage PPE, around half (49%) indicated that managing PPE stock was an issue for them, as often there is no system for monitoring stock levels in place. In addition to this, customers emphasised the importance of ensuring PPE is correctly chosen. Around a third said that operators struggle to identify the correct PPE for the process at hand, and do not always know who to ask for advice about this. Another key area is ensuring that PPE is being correctly worn for the activity being undertaken, with nearly a third (27%) identifying this as a major unmet need. Interestingly, respondents revealed that operators sometimes choose not to wear PPE correctly due to the belief that it hinders productivity, with 42% identifying this as a problem in their workplace.

**Sound Awareness Stations**

Sound awareness stations increase awareness and provide operators with guidance on the dangers of sound at work. Stations offer clear instruction of how to correctly fit ear plugs, a mirror to assist with the fitting, and information on the consequences of not fitting as instructed. The station also assists in managing PPE stock – reorder levels are indicated to show when ear plugs are running low, and the update signs identify who to contact for stock replenishment. Using these stations helps to ensure PPE is always available and worn correctly, and provides an easy system for monitoring stock levels. To find out more, please visit: [www.seton.co.uk/sound-awareness-station-3m.html#product-details](http://www.seton.co.uk/sound-awareness-station-3m.html#product-details)

**PPE Update Signs**

As part of the sound awareness station or as a stand-alone, PPE update signs can be used to clearly display the name and contact details of those responsible for PPE. This easily solves the problem of the operator not knowing who to ask for advice about the correct PPE for the task at hand. Further information can be found on the website: [www.seton.co.uk/ppe-update-signs.html](http://www.seton.co.uk/ppe-update-signs.html)

**At Point of Need PPE Signs**

36% of customers surveyed identified that employees moving between different processes and not wearing the correct PPE as an issue. An easy solution to this is the At Point of Need PPE signs that clearly display PPE messages exactly where they are needed. For more information, please visit: [www.seton.co.uk/at-point-need-ppe-signs.html#PPE0016](http://www.seton.co.uk/at-point-need-ppe-signs.html#PPE0016)

**PPE Awareness Mirrors**

The survey uncovered that in some organisations there is a culture of non-compliance amongst operators - a problem raised by 36% of customers. Respondents said that some operators can be very complacent and believe that an accident is unlikely to happen to them, or even that wearing PPE damages their image. PPE awareness mirrors challenge this dangerous culture by increasing awareness of the necessary PPE requirements and reminding employees that they have a responsibility to wear safety equipment. Visit [www.seton.co.uk/ppe0085.html#PPE0081](http://www.seton.co.uk/ppe0085.html#PPE0081) to find out more.

These innovative solutions have been designed to increase compliance, with the long-term aim of changing attitudes towards PPE usage and management.

**Problem...**  
Employees moving between processes and not wearing the correct PPE

**Solution...**  
At Point of Need PPE Signs

**Problem...**  
not always available or worn correctly

**Solution...**  
Our Sound Awareness Stations

**Problem...**  
Culture of non-compliance

**Solution...**  
PPE Awareness Mirrors





# To train or not to train?

Since October 2013 the HSE is no longer required to approve first aid trainers. This raises some questions and uncertainties about how suitable first aid training is achieved. Employers still have the choice of utilising an existing training provider, provided the training is fit for purpose. A second alternative is to conduct the training in-house.

### In-house training?

The HSE "does not advocate, promote or support any particular option" for first-aid training delivery but, to comply with legal duties the choice must be appropriate and adequate, based on a needs assessment and appropriate with due diligence being conducted.

If an employer decides to provide first-aid training in-house it will need to make sure that the first-aid training is fit for purpose. The content should reflect the content of the First Aid at Work (FAW) or Emergency First Aid at Work qualifications detailed in guidance document L74, First Aid at Work - The Health and Safety (First-Aid) Regulations 1981. Guidance on Regulation, and the training should be delivered in accordance with currently accepted standards for first aid.

HSE's General Information Sheet Selecting a First-aid Training Provider (GEIS3), also

notes that in-house individuals acting as trainers or assessors "should have the necessary skills, qualifications and competencies expected of those working for an external training provider".

GEIS3 notes that the competencies trainers and assessors should possess are knowledge and competence in first aid, as demonstrated by a current, valid FAW certificate or by being registered and licensed as a doctor, nurse or paramedic. They should also have knowledge and competence in training and/or assessing, demonstrated by holding appropriate training and/or assessing qualification as detailed in GEIS3.

Guidance recommends that "a system of quality assurance should be in place ensuring that the competence of trainers/ assessors is regularly reviewed by competent verifiers" and that a course evaluation procedure is in place. The system should include designating an individual to take responsibility for quality assurance, including assessment of the skills of trainers/assessors at least annually.

This "designated person", can be from inside or outside the organisation, should be independent of training delivery and should be able to demonstrate competence for their role.

The designated person, as well as meeting the same criteria as a trainer (e.g. they should be FAW qualified), should have knowledge and competence in assessing and verifying qualifications. This can be demonstrated by holding a qualification such as one of those listed in GEIS3.

In addition to the above, courses must meet the following criteria:

- Class sizes should be appropriate and take account of the needs and capabilities of those undertaking any training
- Certificates issued should contain information in accordance with HSE guidance
- Equipment provided should be suitable and sufficient, as detailed in guidance
- Training should consist of sufficient, minimum contact training time as detailed in guidance.

### Who to train?

Clearly, being a first-aider entails making a commitment to providing an important and potentially life-saving response. To do so, the individual should be able to:

- Assess a situation quickly and safely and summon appropriate help
- Identify, as far as possible, the injury or the nature of the illness affecting a casualty
- Give early, appropriate, and adequate treatment in a sensible order of priority
- Arrange for the removal of the casualty to hospital, to the care of a doctor
- Remain with the casualty until handing them over to the care of an appropriate person
- To achieve this, a number of factors must be considered. According to L74 First Aid at Work. The Health and Safety (First-Aid) Regulations 1981. Approved Code of Practice and Guidance, these will include the individual's:

- Reliability, disposition and communication skills
- Aptitude and ability to absorb new knowledge and learn new skills
- Ability to cope with stressful and physically demanding emergency procedures
- Normal duties, which they should be able to leave immediately and rapidly to attend an emergency
- Other factors to consider include the location of any would-be first-aid staff on the premises and their times of attendance on the premises. It should also be borne in mind that first-aid

personnel may have to carry out other duties, including the preparation of a report on any incident and any treatment administered, and assisting in any subsequent investigation.

They may also have to regularly check first-aid equipment to ensure that the contents of boxes and facilities in first-aid rooms comply with the requirements of the regulations. Such responsibilities will require a time commitment and a person selected for training and given these additional responsibilities must have the approval of their line manager to ensure that there is no conflict of interests.





Health and  
Safety

# H&S LAW EXEMPTION proposed for the self-employed

From 7th July to 31st August 2014 the Health and Safety Executive (HSE) sought views on their proposal to exempt certain self-employed persons from Section 3(2) of the Health & Safety at Work etc. Act 1974.

The proposal arose from the Government-commissioned Löfstedt Report "Reclaiming health and safety for all" in 2011, which recommended that self-employed persons be exempt from health and safety law where they pose no potential risk of harm to others through their work activity. The proposal could affect up to 1 million persons.

#### The Current Position

The Great Britain (GB) regulatory framework for health and safety, in particular section 3(2) of HSWA, places general duties on everyone "at work" including the self-employed. Section 3(2) states:

*"It shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health and safety."*

Section 53 of HSWA gives a broad definition of a self-employed person. It states that a "self-employed person means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others." There is no proposal to amend this definition.

#### The Proposed Change

Section 3(2) of HSWA may be amended in order to exempt self-employed persons from the general duty in respect of themselves and other persons (not being their employees), except those undertaking activities on a prescribed list. The list includes agricultural activity, gamekeeping, landscaping, construction work, mining and quarrying, railways, health and social care, waste management, nuclear industry and work with asbestos, electricity, gases and pressure systems.

#### Reaction and Concerns

The reaction among business organisations such as the Federation of Small Businesses, the British Chamber of Commerce and the Institute of Directors has been positive, with a general feeling that it will enable small, self-run businesses to thrive without the additional burden of Health and Safety legislation.

Safety bodies such as the Institution of Occupational Safety and Health, the Trades Union Congress and Royal Society for the Prevention of Accidents greeted the proposal with significantly less enthusiasm, believing that it could lead to a reduction in standards and a possible increase in injuries and work related ill-health and that the exemption will be difficult to apply correctly.

There are also other concerns as to how certain organisations such as insurance companies and contractor approval schemes will respond to the change. Furthermore many companies may simply choose not to engage self-employed persons to carry out work on either their behalf or on their premises due to the belief that these persons could not be prosecuted and therefore they could find themselves becoming liable.

#### What Next?

The HSE will assess the costs and benefits of the proposed changes as set out in the Impact Assessment in the consultation document, and will then decide on how best to take the proposals forward, based on an analysis of the consultation responses.

# Environment

## FEATURE ARTICLE

### Energy Management and Carbon Reduction

Latest research indicates that, in the UK, buildings are responsible for almost 50% of energy consumption, with over one-third of this use being in the commercial and public sector. Nationally and globally, this is having significant impacts, most notably in terms of carbon emissions and climate change, but also in terms of the cost of sourcing dwindling fossil fuels. For both legal and business reasons, the management of energy and the reduction in carbon footprints is now seen as a boardroom issue, with more organisations having to give consideration to the management of energy and investment in energy-efficient measures.

### Drivers for Energy Reduction

All commercial and industrial premises require and consume energy to enable them to function and carry out both primary and support business activities. The cost associated with energy consumption has often been seen as a fixed overhead by businesses. However, there are now many influences that require organisations to consider how they may reduce energy consumption, not least the impact that carbon dioxide emissions associated with energy use are having in terms of climate change.

The Government has introduced legislation such as the Climate Change Act and Energy Acts and set ambitious targets for business to reduce carbon emissions. The main regulatory schemes include the CRC Energy Efficiency Scheme, Building Regulations and Energy Certificates (EPCs and

DECs), Climate Change Levy (CCL) and Climate Change Agreements (CCAs), EU Emissions Trading System (EU-ETS) and Energy Savings Opportunity Scheme (ESOS) – the latest scheme.

Global energy consumption is increasing at a time when fossil fuel resources are reducing. As a consequence, the wholesale cost of fuels is increasing, with these rises being passed onto the consumer. As such, good energy management and a reduction in fossil fuel use can have business benefits in terms of cost savings through reduced consumption and dependency on fuel, less risk to organisational profitability when fuel costs do rise, better financial management through understanding projected fuel costs, tax advantages through the Enhanced Capital Allowances scheme and a possible reduction in Climate Change Levy. Good energy management can also bring enhanced reputational benefits as part of an organisation's corporate social responsibility agenda, which in turn can give an organisation the competitive edge.

### Energy Management Strategy

According to the Carbon Trust, "energy management is the systematic use of management and technology to improve an organisation's energy performance". To be effective, it needs to be integrated, proactive and incorporate energy procurement, energy efficiency and renewable energy. This will require "commitment, planning, implementation and sustained effort" through the application of an energy management strategy. In terms of strategy,

organisations can undertake the following steps.

- Get senior management commitment and support by highlighting the business benefits of an energy management strategy. This should also include appointing an energy manager to lead on the strategy
- Understand the issues; these include regulatory requirements, how the organisation is currently using energy, how this compares with similar businesses and attitudes towards adopting energy-saving measures
- Plan and organise: carry out an energy survey to see where energy savings can be made and develop an energy policy that includes identifying long-, medium- and short-term energy-saving targets
- Develop an action plan outlining the practical steps that will be taken to achieve the saving targets, giving individuals responsibility for specific tasks
- Control, monitor and report on performance regularly to check that progress towards the energy-saving goals is made
- Determining current energy consumption and costs, and mapping the ways in which energy is used, are important facets of the strategy - the more data is collected, the better the understanding of usage.

### ESOS

With the introduction of the Energy Savings Opportunity Scheme Regulations 2014, the assessment of energy will be compulsory for qualifying organisations. Qualifying organisations will be known as "large undertakings". For the purposes of ESOS, an undertaking is a large undertaking if it

meets either of the following criteria:

- It has 250 or more employees in the UK
- It has fewer than 250 employees, but has an annual turnover exceeding €50m and a balance sheet exceeding €43m.

In addition to the qualification route set out above, an undertaking will also qualify for ESOS if it is part of a corporate group containing at least one "large undertaking as determined by the criteria outlined above within the UK.

The regulations will require organisations to measure total energy consumption in kWh or expenditure terms, identify areas of significant energy consumption and appoint a lead assessor.

Compliance with the scheme can be through the use of the ESOS energy audits (first compliance date is by 5th December 2015 and every 4 years thereafter), ISO 50001 certification, Display Energy Certificates and Green Deal Assessments.

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The information collected can be used to set clear, measurable targets for reducing energy use. This can be expressed in a number of ways, including:

- Reducing energy consumption for the building and/or specific activities
- Reducing emissions of carbon dioxide equivalents
- Increasing percentage of the budget invested in energy-saving measures
- Improving the return on investment from energy efficiency activities
- Increased staff awareness and energy efficiency training.

The Action Plan, when developed, should detail how all the energy-saving measures will be carried out in order of priority, ordered into short-, medium- and long-term projects as well as no-cost and low-cost measures and measures that need capital investment.

The Action Plan should also cover the target dates, costs and resources needed for each measure, the key roles and

who will carry out the measures and the availability of financial assistance from external sources to implement measures.

### Practical Solutions

According to the Carbon Trust, most businesses can reduce energy costs by at least 10%, and often by 20%. The hierarchy approach can be adopted, based on:

- Reduction of energy use by avoiding unnecessary use and implementing energy-efficiency measures
- Replacing fossil fuels with renewable energy sources and/or use cleaner fossil fuel technology such as solar, wind or hydro power
- Neutralising the remaining unavoidable emissions through carbon offsetting schemes.

In terms of the wider building, energy reduction/efficiency can include having:

- Heating systems with efficient boilers combined with better system/building insulation to prevent heat loss and good thermostatic control measures

- Ventilation and/or air-conditioning systems that reduce air volume supplied and are well maintained, combined with the use of natural ventilation
  - Lighting efficiency with low-energy/ longer-life tubes and bulbs, as well as motion sensor lighting technology
  - Purchasing energy by minimising peak usage, rescheduling work to avoid high peak rates, checking alternative tariffs.
- Other measures can include having a "green" purchasing policy for energy-efficient equipment, combined with a campaign to ensure that employees actually utilise the energy-saving equipment appropriately. This will include ensuring that any energy saving devices fitted to equipment are activated and utilised and that equipment is turned off when not in use. Although turning off equipment is often seen as not being energy efficient, it is estimated, for example, that a computer, if turned off at night, will cut the annual energy bill for that one item by over 25%.

Clearly, energy-efficient measures will need to be tempered against the needs to keep certain systems and equipment running for both security and safety reasons.

Without a change in behaviour by employees at all levels, the above measures may not succeed in meeting the energy-saving objectives set. Behaviour change is likely to be achieved through awareness and motivation of energy management.

It is possible to raise awareness and motivate employees by promoting both the wider issue and the benefits to the business that energy management will bring. This can be through normal communication means (emails, leaflets, posters) as well as through more formal learning and development sessions.

### Further information

- The Carbon Trust
- Department of Energy and Climate Change Guide to ESOS (for full ESOS details)
- The Environment Agency should also be publishing a ESOS guide, which at the time of publication was unavailable



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# ASBESTOS

and schools:

the lessons learnt



In recent years, there has been increased attention given to asbestos management in schools. Clearly, health issues affecting children and young people will always raise concerns, particularly with their parents and those running schools. This concern will have been heightened by the publication of the Committee on Carcinogenicity (CoC) report into whether children were particularly vulnerable to asbestos fibre exposure in 2013. The CoC found the following.

“There is evidence that childhood exposure to asbestos can cause mesothelioma in later life. The effect of increased life expectancy of children compared to adults and the long latency period is recognised, with the lifetime risk of developing mesothelioma predicted to be about 3.5 times greater for a child first exposed at age 5 compared to an adult first exposed at age 25, and about 5 times greater when compared to an adult first exposed at age 30.”

So if children are exposed to asbestos, they have a greater risk of developing mesothelioma than if exposed in later life. In addition, there has been an increase in the number of teachers developing mesothelioma within the last 10 years.

In response to these developments, the Department for Education (DfE) established the Asbestos in Schools Steering Group, to bring together various interested parties to help shape the Department’s policies and action. One result has been the publication of Asbestos Management in Schools. However, the DfE has an ongoing programme related to asbestos in schools.

The DfE has been assisted by the Health and Safety Executive (HSE), which has undertaken some “intensive inspections” of different schools. In this article, the findings of the HSE’s latest “intensive inspection” initiative - published in June 2014 - will be reviewed and any lessons learnt that may be of interest to other organisations will be highlighted.

### Complying with regulations

During the latest “intensive inspection”, the HSE inspected 153 non-Local Authority managed schools. Independent, academy, foundation, voluntarily-aided and free schools were inspected. Due to the sample size of each, comparisons between different types of

schools would have been difficult for some. Hence the HSE only considered independent, academy and free schools when comparing results from different schools. It also selected schools from England, Scotland and Wales to identify whether differences of approach were being taken in different countries.

### Some of the key findings were as follows:

- Of the 153 schools visited, 20 (13%) were issued with an Improvement Notice. Of the 20 Improvement Notices issued:
  - o 8 were due to the absence of an asbestos management plan
  - o 8 were due to a lack of survey or inadequate assessment
  - o The remainder were due to insufficient training and information for employees and inadequate management of risk.
- 24 other schools were given “written advice” on improving their controls
- 64% of schools had a full understanding of who the duty holder was, and a further 31% had a broad understanding
- 46% of schools did not have a comprehensive system in place to provide information to those who might disturb asbestos-containing materials (ACMs); this was a slight decrease on the 2010/11 figure

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- 85% of schools had completed a management survey, with the most common method of doing so being a combination of sampling and presumption that materials contain asbestos (46% of the schools inspected)
- The proportion of schools checking surveyor competency was lower than in the 2010/11 sample, and variation was evident across regions/nations. Only 31% of schools were able to show that they had checked the competency of the surveyor
- The surveys completed were comprehensive in 67% of the schools visited, a lower figure than that found in 2010/11
- 77% of schools reported having an Asbestos Management Plan (AMP), with around half of these being comprehensive, an improvement on 2010/11 figures
- A majority of schools with an AMP had a system to identify risks relating to the condition of ACMs and a majority also had a system to identify risks related to the location of the ACMs. In both cases, just over half of schools recorded all the details required
- Wales had the highest proportion of schools with a comprehensive AMP, and Scotland the lowest
- In those schools where in-house operatives undertake building and maintenance work there had been an improvement since 2010/11, with 63% now having training in place, but there were regional/national variations

• 39% of schools in England were aware of the DfE guidance.  
The HSE report gives much more detailed information but the points identified above give an indication of the extent of compliance with the Control of Asbestos Regulations 2012.

**School lessons - are we learning?**

While the HSE was able to see some levels of improvement, the results highlighted some significant problems. Asbestos has received considerable attention over many years but only 39% of schools in England were aware of the DfE's guidance on managing asbestos in schools.

Asbestos information is included within the HSE review of Approved Codes of Practice and guidance. During the next year the HSE will be publishing reviewed guidance in relation to asbestos contractors and a range of other guidance related to asbestos.

Those involved with managing asbestos must ensure they are using the most current guidance. During this year the HSE will be launching the next phase of its "Asbestos: Hidden Killer" campaign, which will bring more attention to the issue.

The competency of surveyors is critical in identifying where asbestos is and in what condition. Yet only 31% of schools could show to the HSE they had checked the competency of the surveyors they used. There has been concern that the quality of surveyors can lead to inadequate asbestos surveys. The HSE has identified in its survey guide what to look for when

identifying a suitable asbestos surveyor. As part of managing asbestos, managers should be able to identify the competence of the surveyors used to identify where asbestos may be located and what condition it is in. It should be noted that the HSE sees identification of asbestos as a key step in managing it in buildings. Yet six Improvement Notices were issued because no survey had been done. Another was issued because the survey did not cover all the buildings.

In relation to Asbestos Management Plans only half of the schools recorded all the details that were required, 33% had no such plans and a significant number of the Improvement Notices were issued in relation to this failing. For anyone managing asbestos in buildings the HSE sees the AMP as a key document.

The HSE inspection also highlighted that training had been lacking in a significant number of instances. This was of concern particularly in relation to those workers who may work with asbestos. A total of 37% of those involved with building and maintenance work had not been trained on working with asbestos. Given that the successful HSE "Asbestos: Hidden Killer" campaign was directly targeted at such workers, this appears to be a significant failing. With the resumption of the next phase of this campaign, the HSE recognises that information and training is a critical issue. Duty holders must recognise this too.

The "intensive inspections" highlight the compliance levels with asbestos regulations in a representative sample of schools, but the lessons learnt also need to be applied elsewhere.

# Ask the expert...

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**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?**

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3. Enter your question on the form
4. We will respond via email within 48 hours!

# Thermal... comfort in the workplace



In March 2014, the Met Office published a report exploring the potential causes of the extreme weather events of recent years in the UK and what the future holds for UK seasonal weather. Among the conclusions, the paper states that “climate change has at least doubled the risk of a heatwave exceeding the temperatures experienced in the European heat wave of 2003” and that “by the 2040s, more than half of summers are projected to be warmer than that seen in 2003”.

With potential for more significant summer heat waves and colder winters, thermal comfort within the office environment may become an issue for many employers. The questions to be addressed are what the risks could be and what action should be taken to control any intolerable risks.

### Defining thermal comfort

Thermal comfort is not just related to air temperature alone. It takes into account a range of other environmental and personal factors including radiant temperature, air velocity, humidity, clothing insulation and metabolic heat. These factors make up what is known as the “human thermal environment”.

Thermal comfort is actually defined in British Standard BS EN ISO 7730 as “that condition of mind which expresses satisfaction with the thermal environment”. Conversely, thermal discomfort is where people start to feel uncomfortable, i.e. they are too hot or too cold, but are not necessarily made unwell by the conditions.

The Health and Safety Executive (HSE) website notes that an acceptable zone of thermal comfort for most people in the UK lies roughly between 13°C (56°F) and 30°C (86°F), “with acceptable temperatures for more strenuous work activities concentrated towards the bottom end of the range, and more sedentary activities towards the higher end”.

Most individuals will not suffer medical symptoms due to thermal discomfort, beyond irritability and tiredness. However, in some circumstances exposure to excessive cold can result in poor circulation and hypothermia while excessive heat can result in more severe conditions such as heatstroke and dehydration.

As well as affecting the health of employees, extreme temperatures in the indoor workplace can reduce worker morale and productivity, and increase absenteeism and mistakes.

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**Assessing the risk**

The UK Climate Change Risk Assessment (CCRA) highlights that, although climate change does not necessarily create new risks, it can represent a change in existing risk profiles.

The UK Climate Impacts Programme (UKCIP) has developed the Business Areas Climate Impacts Assessment Tool (BACLIAT) for exploring the implications of climate change.

BACLIAT comprises a simple checklist for assessing the potential impacts of climate change under a number of headings: logistics, finance, markets, process, people, premises and management implications.

Guidance for BACLIAT notes that it may prove difficult to adapt existing buildings to sufficiently tolerate new climatic conditions.

Assessing the risks from the impacts can be challenging but guidance from the Chartered Institution of Building Services Engineers (CIBSE) and UKCIP can assist in this. They propose the following approach.

- Identify the problems and objectives, i.e. how can we manage temperature risks and maintain thermal comfort?
- Establish decision-making criteria and performance targets for thermal discomfort
- Assess the risk using qualitative and quantitative criteria
- Identify and evaluate the adaptation

options for keeping premises at a suitable temperature that are reasonable and cost-effective

- Implement and monitor the effectiveness of the adaptations.
- There are no fixed means of determining if thermal comfort is or will be a problem. According to the HSE, an historical indicator could be if 10-15% of employees complain of discomfort.

**Adaptation and thermal comfort**

Decisions will have to be made as to whether the thermal discomfort is likely to create an unacceptable risk, based on the benchmark criteria. CIBSE suggests that, when making decisions, the following need to be considered.

- To what extent will passive measures be able to improve thermal comfort?
  - How effective (including cost-effectiveness) are different approaches to comfort cooling continue to be under the changing climate?
  - What are the energy use implications of the various strategies?
- Issues that can contribute to the thermal environment and therefore require consideration in terms of adaptation will include building design and materials such as glazing, ventilation, air tightness, thermal mass, plant and equipment, waste heat, etc. Other factors may have to be given consideration including working patterns, activities and workforce profile (e.g. age and vulnerabilities).

As CIBSE observes, it is unlikely that one single adaptation will be sufficient. A "mixed mode approach" will have to be adopted. The action to be taken can be based around a number of areas.

- Adaptation of building elements: including reflective films on windows, intelligent glazing systems, insulation of hot pipes, ensuring windows can be opened
  - Provision of equipment: including adequate blinds, provision of portable fans/eaters or air-conditioning units, better use of existing machinery
  - Safe systems: including modification of activities, working patterns, dress codes, relocating work (e.g. home working)
  - Management action: including training of staff, provision of hot/cold drinking water, monitoring of vulnerable staff.
- CIBSE notes that buildings are designed to last for a significant period and will remain significantly unchanged, which "imposes severe limitations on how the building can be modified to take account of changing climatic conditions". However, the main principle is to limit heat loss and gains to spaces so as to reduce the need for mechanical heating and cooling.
- What is deemed to be reasonable is a matter of debate, but the HSE states that "the best that you can realistically hope to achieve is a thermal comfort environment that satisfies the majority of people in the workplace", which is between 80% and 90% of the workforce.

**EMPLOYMENT LAW:**

OCTOBER 2014 AND BEYOND

**THE CHANGES TO EMPLOYMENT LAW CONTINUE**



IN THIS ARTICLE KATHY DANIELS OF KATHY DANIELS CONSULTING LTD LOOKS AT SPECIFIC CHANGES THAT TOOK PLACE IN OCTOBER 2014, AND THEN TAKES A GLIMPSE INTO THE FUTURE AND NOTES SOME OF THE KEY CHANGES DUE IN 2015.



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**Further information**

**From the UK Climate Impacts Programme (UKCIP):**

- Beating the Heat: Keeping UK Buildings Cool in a Warming Climate
- A Changing Climate for Business

**From the Health and Safety Executive:**

- Thermal Comfort website
- L24: Workplace Health, Safety And Welfare. Approved Code of Practice and Guidance.

**From the Chartered Institution of Building Service Engineers:**

- TM36: Climate Change and the Indoor Environment: Impacts and Adaptation.

**From the Met Office:**

- Drivers and impacts of seasonal weather in the UK.

**National Minimum Wage (NMW)**

On 1st October 2014 the NMW rates increased to the following:

Age	Current rate	New rate
21 years	£6.31	£6.50
18–20 years	£5.03	£5.13
16–17 years	£3.72	£3.79
Apprentice rate	£2.68	£2.73

It is worth remembering that the penalty for not paying the NMW is now up to £20,000 for the most serious cases. In addition, the Department for Business, Innovation and Skills has published a revised scheme for “naming and shaming” employers that do not pay the NMW. It will be very difficult for an employer to avoid being named and shamed if it is underpaying employees. Specific care should be taken when deciding whether individuals such as interns are entitled to the NMW.

**Pay Audits**

The Enterprise and Regulatory Reform Act 2013 included the provision for an employment tribunal to order an organisation to carry out a pay audit if it loses an equal pay claim. This part of the Act was introduced on 1st October 2014. An organisation will be ordered to carry out an audit unless:

- It has carried out an audit in the past three years
- It has an approach to pay that is judged to be transparent
- It can show why it would not be useful to carry out an audit.

**Time off for Ante-natal Appointments**

From 1st October 2014, expectant fathers, and partners of pregnant women, will be entitled to take time off to attend up to two ante-natal appointments with their partner. This right is introduced by the Children and Families Act 2014. There is no qualifying service required before an individual acquires this right. The time to attend each appointment is limited to 6.5 hours, and it is also important to note that the time off is not paid. An employer can insist that the request to attend the appointment is put in writing, with the request confirming that the purpose of the time off is to attend the ante-natal appointment.

**Health and Work Service**

A new Health and Work Service is due to be introduced by the Government. It is possible that this will be piloted in some parts of the country from the autumn of 2014. It is hoped to have it operational throughout the country in 2015.

The purpose of the Health and Work Service is to provide occupational health services to employers and employees, with the aim of keeping those who have health problems in work.

The Health and Work Service will have the following two elements.

1. Assessment. Once an employee has been absent for four weeks from work, or is likely to be absent from work for four weeks, he or she will be referred for assessment to the Health and Work Service. The referral is likely to come from the employee’s GP.
2. Advice. There will be a telephone advisory service, which can be accessed by employees, employer and GPs.

**Shared Parental Leave**

As a result of the Children and Families Act 2014 Shared Parental Leave is to be introduced and is applicable to those with babies born or matched for adoption from 5 April 2015. This will mean that the current 52 weeks of Statutory Maternity Leave (or Statutory Adoption Leave) that an employee can take will become flexible.

A woman will be required to take at least two weeks of leave following the birth of her child (four weeks if she works in a factory or similar environment). After this she can share her leave with her partner. This could involve her taking some leave and then her partner taking the remainder. It could involve “taking turns” in taking leave, or it could involve the partner taking all of the remainder of the leave. The mother and her partner could take some leave at the same time. In total, however the leave is taken, it must not add up to more than 52 weeks. Payment during the leave will be equivalent to the current Statutory Maternity Pay.

Employees will be required to give eight weeks’ notification (which includes a two-week discussion period) to their employer that they plan to take Shared Parental Leave, and will be required to

give some indication of the pattern of leave they plan to take. There will be a limit of three on the number of notifications they can give that they plan to change their intentions.

A woman can give notification to her employer that she is going to stop Statutory Maternity Leave and take Shared Parental Leave prior to the birth of her child. She will then have six weeks from the date of the birth to revoke this notice.

Each person in the couple who takes Shared Parental Leave will be entitled to take up to 20 Keeping in Touch (KIT) days while on leave. The rules relating to KIT days (e.g. there is no right to take them, and the employer cannot insist that they are taken) will remain. Shared Parental Leave must be completed within 52 weeks of the birth of the child.

If an employee returns from a period of Shared Parental Leave that totals 26 weeks or less in aggregate, he or she will be entitled to return to the same job. This will apply even if the leave has been taken in separate blocks.

Additional Paternity Leave will be abolished when Shared Parental Leave is introduced.

**Adoption**

At present employees who take Statutory Adoption Leave are entitled to 39 weeks of Statutory Adoption Pay, which is all at the current rate of £138.18 per week (or weekly salary if this is lower). This is different from Statutory Maternity Pay, which consists of six weeks at 9/10 of salary, followed by 33 weeks at £138.18 (or weekly salary if this is lower). In April 2015, Statutory Adoption Pay will be brought in line with Statutory Maternity Pay.

The current requirement to have 26 weeks’ continuous service before taking Statutory Adoption Leave will be abolished. Prospective adopters will be entitled to up to five absences from work (each of no more than 6.5 hours in duration) to meet with the child. It is expected that these changes will be introduced in April 2015.

**Caste**

Another thing to watch out for in 2015 is the addition of caste to the definition of race in the Equality Act 2010. This will

happen as a result of the Enterprise and Regulatory Reform Act 2013. There is no specific date for this to be introduced. Consultation on the issue has started, and the Government is due to produce a draft Order in the autumn of 2014. It is not expected that the final version of the Order will be produced before the summer of 2015.

**Recommendations**

The Deregulation Bill, which is still passing through the parliamentary stages, contains the provision to alter employment tribunals’ remit when giving recommendations following a successful discrimination claim.

If an employer loses a discrimination claim, employment tribunals can make recommendations about actions the employer could take to reduce discrimination. Prior to the Equality Act 2010 the recommendations were restricted to the specific discrimination claim that the employer had lost. However, the Equality Act 2010 extended the remit so that employment tribunals could make recommendations generally about discrimination in the organisation.

The Deregulation Bill reduces the remit of employment tribunals; it is expected that it will return to the pre-Equality Act 2010 remit.



**Shared Parental Leave is to be introduced and is applicable to those with babies born or matched for adoption from 5 April 2015.**

# Ice Accident Decisions

## CONSISTENCY SLIPS

**The recent Scottish case of *McKeown v Inverclyde Council (2013)* has illustrated the interaction between potentially overlapping sets of health and safety regulations.**

The facts, in summary, were that in November 2010 M, a school janitor employed by IC, suffered injuries to his back when he slipped on ice on the top of a fire escape as he was collecting litter and helping to supervise pupils during the morning break. He suffered continuing pain in his back and leg and was unable to return to work as a janitor.

M had been asked to cover for a permanent janitor. He had continued his duties, which included salting paths and

playgrounds which were covered in ice and snow. M stated that he did not know of any procedure set out by IC for the work. He proceeded as he had always done and salted the paths and footways, working his way around the school building. His routine was to prioritise the areas that made it safe for staff and pupils to enter the school in the morning. M claimed compensation from IC, alleging breaches of regulations 5 and 12 of the Workplace (Health, Safety and

Welfare) Regulations 1992 (WHSWR) and regulation 4 of the Personal Protective Equipment at Work Regulations 1992 (PPE Regulations).

Regulation 5 of WHSWR states, in summary, that workplaces must be maintained in an efficient state, in efficient working order and in good repair.

Regulation 12 of WHSWR states, in outline, that workplace floors must be, so far as is reasonably practicable, kept free

from substances likely to cause slips, trips or falls.

Regulation 4 of the PPE Regulations states, in summary, that except where risks are adequately controlled by other means, employers must provide suitable PPE to employees who may be exposed to those risks.

CONTINUED... ►►

**The Decision**

The decision of the Scottish Outer House was as follows.

- On the balance of probabilities, M's version of events was accepted
- Ice had been present on the fire escape. IC was in breach of regulation 12 of WHSWR unless it could be shown that it had not been reasonably practicable to keep the fire escape free from ice
- IC had devised a system where janitors were instructed to treat pathways leading to the school as a priority and then to treat areas such as fire escapes. It had failed to institute or maintain that system. If the head teacher of the school had been aware of the system, she would have given the fire escapes higher priority. The fire escapes were safety exits
- IC should have had a system whereby janitors were instructed to use a scoop which was provided. This would have increased the melting of ice by salt over the whole flight of steps
- Regulation 5 of WHSWR did not apply to transient conditions, for example ice
- IC was not liable under regulation 4 of the PPE Regulations where he was supplied with safety boots and there was no evidence as to the type of the boots' soles or as to whether metal grips would have provided better traction
- M had not been contributorily negligent. He applied salt using his own system without any instruction or training by IC. He had been under pressure of time and it was understandable that some areas were not effectively treated
- Compensation of £30,000 was awarded.

**Related Cases**

The issue of liability in relation to workers who have suffered injury from slipping on ice has been considered in a number of recent cases. One example is that of *Pettie v Southampton University Hospitals NHS Trust* (2002).

P was an administrative worker employed

by S. She slipped on ice in the hospital car park and suffered a severe knee injury. She claimed compensation from S for a breach of WHSWR.

S denied liability on the basis that it had a gritting policy

was needed because the premises were a busy hospital car park, open to patients and staff. Also, the car park formed part of P's workplace for the purposes of WHSWR.

The application of WHSWR to ice in car parks was also considered in the Scottish case of *McCondichie v Mains Medical Centre* (2004). M was a patient at the M Medical Centre. She slipped on ice in the Centre's car park and claimed compensation under WHSWR for the medical centre's failure to ensure that the surface of a traffic route within the workplace was kept free from any substance which might cause a person to slip. On behalf of the medical centre, it was argued that WHSWR only applied to employees.

The Scottish court ruled that the claim failed. WHSWR did not apply to persons who were not working on the premises, for example visitors or patients. Even if the regulations did apply, the medical centre had taken reasonable precautions to prevent persons using the car park from slipping on ice, by gritting the car park. Further, the Code of Practice related to WHSWR did not require the risk of slippage to be entirely eliminated, but that the employer should take reasonable steps to minimise any risk.

**Inconsistency of Interpretation**

This restrictive interpretation of WHSWR does not reflect a consistent attitude on the part of the courts. The current position in relation to injuries caused by slipping is illustrated by the following decisions, which appear to be inconsistent.

- *Ricketts v Torbay County Council* (2003): WHSWR applies only to workers
- *Banna v Delicato* (1999): WHSWR applies to any person, including customers in shops
- *Layden v Aldi GmbH & Co KG* (2002): WHSWR applies only to workers
- *Mathieson v Aberdeenshire* (2003): WHSWR applies to members of the public
- *O'Brien v Duke of Argyll's Trustees Ltd* (1999): WHSWR applies to a visitor to a hotel.

in place and the car park could not be regarded as S's place of work. It was also argued on behalf of S that it was sufficient for it to grit the roadways between the car park spaces and that gritting the spaces was not a priority and would be a waste of resources. The county court decided that the claim succeeded. It would not take much longer to grit the car park spaces with the equipment that S had. Extra care



# Winter MANAGEMENT CHECKLIST

Company				
Area	Date			
Management	YES	NO	N/A	Comments/Action Recommended
Have hazards relating to inclement weather been included in the company's risk assessments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are business continuity plans in place that deal with cold, icy and snowy weather?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are procedures in place for clearing snow outside and dealing with icy/wet patches inside?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the procedures communicated and accepted by relevant persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are checks made to ensure that commonly-used pathways, stairways etc. are free from ice/surface water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there an adequate supply of snow/ice clearing materials e.g. de-icing salt?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is adequate heating available where people work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If portable heaters are provided, are they inspected and electrically tested?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are employees instructed not to site portable heaters near combustible material?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are employees instructed to wear suitable footwear?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are hot drinks available, especially for outdoor workers and those who work in cold areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is suitable warm clothing provided for outdoor workers and those who work in cold areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are company drivers issued with guidance about when it is appropriate to drive on work business and the action to take in event of snow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are company drivers provided with suitable equipment e.g. high visibility clothing, traction devices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

# Be Prepared for Winter

Slip and trip accidents increase during the Autumn and Winter season for a number of reasons. There is less daylight, leaves fall onto paths and become wet and slippery and cold weather spells cause ice and snow to build up on paths. There are effective actions that you can take to reduce the risk of a slip or trip. Regardless of the size of your site, always ensure that regularly used walkways are promptly tackled.

## Ice, frost and snow

- To reduce the risk of slips on ice, frost or snow, you need to assess the risk and put in a system to manage it
- Identify the outdoor areas used by pedestrians most likely to be affected by ice, for example: - building entrances, car parks, pedestrian walkways, shortcuts, sloped areas and areas constantly in the shade or wet
- Monitor the temperature, as prevention is key
- You need to take action whenever freezing temperatures are forecast. Keep up to date by visiting a weather service site such as the MET Office or the Highways Agency.
- Put a procedure in place to prevent an icy surface forming and/or keep pedestrians off the slippery surface;
  - Use grit/salt/ice melt on areas prone to be slippery in frosty, icy conditions
  - Consider covering walkways e.g. by a canopy/cover high enough for people to walk through, or use an insulating material on smaller areas overnight
  - Divert pedestrians to less slippery walkways and barrier off existing ones
- If warning cones are used, remember to remove them once the hazard has passed or they will eventually be ignored.

## Gritting

The most common method used to de-ice floors is gritting as it is relatively cheap, quick to apply and easy to spread.

- Rock salt (plain and treated) is the most commonly used 'grit'. It is the substance used on public roads by the highways authority
- Salt can stop ice forming and cause existing ice or snow to melt. It is most effective when it is ground down, but this will take far longer on pedestrian areas than on roads
- Gritting should be carried out when frost, ice or snow is forecast or when walkways are likely to be damp or wet and the floor temperatures are at, or below freezing. The best times are early

in evening before the frost settles and/ or early in the morning before employees arrive. Salt doesn't work instantly; it needs sufficient time to dissolve into the moisture on the floor

- If you grit when it is raining heavily the salt will be washed away, causing a problem if the rain then turns to snow
- Compacted snow, which turns to ice, is difficult to treat effectively with grit. Be aware that 'dawn frost' can occur on dry surfaces, when early morning dew forms and freezes on impact with the cold surface. It can be difficult to predict when or where this condition will occur.



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# Q&A'S

## Following GP's recommendations on fit note



**Q.** An employee has produced a "fit note" from their GP with a recommendation for amended duties, stating that they should refrain from undertaking any form of lifting or carrying of loads. Are we legally bound to adhere to this recommendation from the GP?

**A.** The purpose of a fit note is to inform the employer whether that employee's doctor thinks they are not fit for any work or whether they may be fit for work but not necessarily undertaking their current job. An employee can only be given a fit note if their doctor considers their fitness for work is impaired. Government guidance notes that the advice in the fit note is about an employee's fitness for work in general, and not specifically about their current job. The fit note enables a doctor to provide guidance on general adaptations that might assist an employee in returning to work. Options include a phased return to work, altered hours, amended duties and workplace adaptations. Official guidance to the fit note regime suggests that on receipt of such a note, the employer should commence discussions with the employee, their representative (if applicable) and specialists such as HR and occupational health professionals to determine if it is reasonable to implement the recommendations made. Where there could be health and safety implications, a risk assessment may have to be undertaken so as to address the

potential change in activities and what control measures may be utilised. Government guidance notes that the recommendations contained in the fit note are not legally binding and states that the "assessment about whether your employee is not fit for work or may be fit for work (and any other advice in the fit note) is classed as advice, and it is for employers to determine whether or not to accept it". If an employer cannot agree to the implementation of any of the changes recommended, then the employer should treat the fit note as if it says that the employee is not fit for work. Alternatively, the employer is within their rights to gather other evidence about an employee's fitness for work from other doctors or healthcare professionals, particularly if they believe the employee is not fit for work. An employer can opt to give the evidence from this route precedence over the advice in the fit note but it should be noted that if the employee disagrees with the findings the employer "may need to demonstrate to an employment tribunal why the alternative source of evidence was more acceptable to you than the fit note".

# Q&A'S

## Using ladders for in-house maintenance

**Q.** We have an in-house team that carries out a number of limited, small-scale repairs and maintenance functions. These include minor repairs of the roof. It has been suggested that we should not be using ladders for such work. Is this the case?

**A.** One of the leading causes of workplace fatalities and major injuries is falls from height from a ladder. The Work at Height Regulations 2005 require the employer to properly plan and supervise this work and ensure that it is carried out by competent people. The regulations require the employer to assess the risks from working at height and to select the equipment that is appropriate for the work. In doing so it must take account of factors such as the:

- Working conditions (e.g. weather)
- Nature, frequency and duration of the work
- Risks to the safety of everyone where the work equipment will be used.

The Health and Safety Executive (HSE) "Height Aware" campaign provides some useful information on the subject of minor roof maintenance work, which is defined as work which:

- Can be completed in a matter of minutes, not hours
- Is infrequent
- Only needs one or two people
- Does not involve difficult work (e.g. heavy or awkward loads)
- Only involves a small area.

The use of ladders may be considered in these circumstances. HSE guidance document INDG455 Safe Use of Ladders and Stepladders states that "the law says that ladders can be used for work at height when a risk assessment has shown that using equipment offering a higher level of fall protection is not justified because of the low risk and short duration of use; or there are existing workplace features which cannot be altered". It continues by emphasising that the employer should only use ladders in situations where they can be used safely, e.g. where the ladder will be level and stable, and where it is reasonably practicable to do so, the ladder can be secured. INDG284 Working on Roofs states: "It may not be reasonably practicable to provide full edge protection for short-duration work but you will need to provide something in its place". This is said to be a safe means of access to the roof level and a properly constructed and supported roof ladder. Ladders should, therefore, be used only when this is clearly justified through a risk assessment and, where the decision to use them is taken, the most appropriate equipment must be used. In addition, those using the equipment need to be competent and capable in the use of the ladders.



# News ROUND UP

# November 2014



## Link between worker health and performance pay

Researchers at the University of Aberdeen have identified a link between worker ill health and performance-related pay in a new paper recently published in the journal *Oxford Economic Papers*. They found a strong correlation between the length of time workers spent in jobs where they were paid for performance and incidences of poor health.



## Fire! What do we do now?

A shocking 95% of workers claim to have had no training at all in what to do if they encounter a fire in the workplace, according to a survey by FireUK.co.uk, a fire risk assessment company.



## Night shift work may increase risk of diabetes

The Institution of Occupational Safety and Health (IOSH) has highlighted new international research that has concluded that night shift work can lead to an increased risk of workers developing type-2 diabetes. The research, which was conducted by scientists at Huazhong University of Science and Technology in China, found that shift workers were 9% more likely to have type-2 diabetes.

## Employees Warned of Danger on the Beach

According to "Beach to Breach", commissioned by Sourcefire, now part of Cisco, 77% of UK workers surveyed usually take their work devices with them on holiday, with 72% choosing to spend up to one or two hours per day keeping up with what's going on in the office. However, nearly two-thirds admitted that they failed to check the security of a Wi-Fi network before accessing it and this is potentially putting their companies at risk of cyber-attack.



## Small firms still unhappy with red tape burden

The Forum of Private Business (FPB) has warned that the cost of compliance continues to rise for small firms. The average micro, small and medium-sized employer in 2014 has seen an above-inflation rise of £713 in their annual compliance bill, the FPB said. It puts the total cost of compliance at more than £19.2 billion - a 4% increase compared to 2013.

## Stinging verdict for wasp risk assessment

The Chair of the Health and Safety Executive (HSE), Judith Hackitt, has slammed suggestions made, during a recent online debate, to conduct an investigation and risk assessment in response to an incident in which someone was stung in the workplace by a wasp.



## Natural light in office boosts health

A new research study, conducted by scientists in the US, has concluded that office workers who receive more light exposure during their working day enjoy longer sleep duration, better sleep quality, more physical activity and better quality of life compared to office workers with less light exposure in the workplace.



## I'll take the stairs

Staff at KPMG's Canary Wharf headquarters are being encouraged to forget the lifts and use the 369 steps in their Canada Square building, urged on by notices reminding them a journey up and down the entire building will burn 69 calories.



## Stress still a stigma at work

More than half of working people in this country say the pressures of their job make them feel constantly stressed, with millions reporting insomnia, hair loss and panic attacks. While almost one in three said the stress from their job had at times left them struggling to complete basic everyday tasks, the stigma surrounding stress at work is such that just 20% said they would be comfortable telling their boss.



## Most workers don't want their day in court

The great majority of UK employees involved in workplace disputes are keen to settle through early conciliation rather than through the courts according to new figures published by ACAS.



## Who wouldn't want to work from home?

Seven employees out of ten in the UK say that given the chance to work from home, they would decline the offer. This is one of the findings of a phone poll of 500 office-based workers conducted by a British health and safety law consultancy, following the coming into force of the right to request flexible working for all.

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## Ask the expert...

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

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