SETON

FEBRUARY 2015 EDITION

LegislationWATCH

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

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Advice on Dealing with Flooding

Movement of Vehicles in the Workplace

Apprentices in Construction

No time for ostriches

It is easy to have your head in the sand over compliance. Here we explain some of the questions an organisation should be asking itself when considering building a risk register - see pages 35-37.

SAFETY MADE EASY

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Letter
FROM THE EDITOR

Dear Customer,

Welcome to the latest edition of Legislation Watch.

In this edition, you'll find featured articles on dealing with flooding, dealing with movement of vehicles in the workplace, working safely with wood, a feature on the risk associated with taking on young apprentices and much more.

It is no secret that the Construction industry is finally recovering, with output set to exceed expectations and outperform the growth seen in other sectors by some margin. This naturally brings with it an increased demand in taking on skilled staff and younger apprentices. With young men facing a 40% higher risk of workplace injury than men aged 45 to 54, it is essential that all necessary checks and measures are in place to support them as they start out on their working journey.

We strive to provide you with a wide range of discussion topics and updates, including up and coming legislation changes, as well as topical issues in the Health and Safety Industry. You can rest assured that all the latest legislation and best practice is included. However, if you are still unsure then please take advantage of our IOSH accredited experts who are always on hand to help (see back cover for details).

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.seton.co.uk/legislationwatch**

Happy reading!

Cheryl Peacock
Editor

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Legal UPDATE

Construction (Design and Management) Regulations (CDM) 2015

In March 2014, the Health and Safety Executive (HSE) invited comments on a proposal to replace the Construction (Design and Management) Regulations 2007 (CDM 2007) and withdraw the Approved Code of Practice (ACOP). The proposed regulations implement in Great Britain the requirements of EU Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites, apart from certain requirements which are covered by the Work at Height Regulations 2005. The following two issues in CDM 2007 have been identified as requiring realignment with the directive:

- The client definition: the CDM 2007 definition includes "by way of trade or furtherance of a business" thus excluding "domestic clients"
- The threshold of appointments (currently contained in Part 3 of CDM 2007) - the requirement to appoint the CDM coordinator (CDM-c) is currently set at the same threshold as for project notification. Directive 92/57/EEC requires it whenever there is more than one contractor.

The proposals, which have been informed by both Professor Löfstedt's review of health and safety regulations and the Government's Red Tape Challenge are intended to support the strategic objectives of improved coordination, better value for money, improved efficiency and use of technological changes in Construction 2025, the Government's industrial strategy for construction. The policy objectives behind the proposed Construction (Design and Management) Regulations 2015 (CDM 2015) are to:

- Make the regulations easier to understand
- Replace the CDM coordinator role with the principal designer
- Replace the ACOP with targeted guidance
- Replace the detailed and prescriptive requirements for individual and corporate competence with a more generic requirement
- Align notification requirements with the directive
- Apply the regulations to domestic clients but in a proportionate way.

It is understood that CDM 2015 will be published in January 2015 to allow operators time to consider the implications of the new rules before they come into effect on 6 April 2015. As of 16 December 2014, however, there has been no indication of when the new regulations will be made available.

ACOP on Safe Work in Confined Spaces

The HSE has published a new Approved Code of Practice ACOP and guidance on the Confined Spaces Regulations 1997, following a consultation on the subject in June 2012 and August 2014.

The initial consultation and revision of the ACOP was in response to Professor Ragnar Löfstedt's 2011 independent review of health and safety legislation, which recommended the reappraisal of all the HSE ACOPs.

Subsequently, in the August 2014 consultation, other changes were suggested to make the ACOP easier to use and to bring the document up to date with regulatory and other changes. The new edition has incorporated these changes, in particular simplifying the guidance with respect to clarifying the definition of a confined space.

Other changes include:

- A flowchart to help in the decision-making process
- Additional examples covering new workplace risks such as specifically created hypoxic environments and fire suppression systems, etc.
- Amendments relating to the need to check, examine and test equipment.

L101 Confined Spaces Regulations 1997. Approved Code of Practice, Regulations and Guidance will help assess the risk of working within a particular confined space and put precautions in place for work to be carried out safely.

The publication is aimed at those involved in work within confined spaces, those who employ or train such people and those who represent them.

New ACOP and Guidance on Safety of Pressure Systems

The HSE has published a new second edition of the ACOP and guidance on the safety of pressure systems, L122: Safety of Pressure Systems - Pressure Systems Safety Regulations 2000 (Approved Code of Practice and Guidance).

Pressure systems can range from steam-generating commercial coffee machines to large boilers used in industry.

The Pressure Systems Safety Regulations 2000 (PSSR) cover the safe design and use of pressure systems. The Regulations aim to prevent serious injury from the hazard of stored energy, ie pressure, as a result of the failure of a pressure system or one of its component parts.

The revision of the ACOP was in response to Professor Ragnar Löfstedt's 2011 independent review of health and safety legislation, which suggested the re-appraisal of all the HSE ACOPs.

Following an initial review of 32 ACOPs, the HSE launched a consultation in June 2012 on proposals for the review of 30 ACOPs (the remaining 2 ACOPs were withdrawn). The consultation closed in September 2012.

A subsequent consultation, which closed in October 2014, sought views specifically on the revised ACOP to the PSSR.

Since the last edition, the ACOP and guidance has been updated for clarity. The content has not been radically changed, as the HSE says it was "fit for purpose". The main changes are as follows:

- A decision tree, with new explanatory notes on whether PSSR applies, has been moved to the front of the book, to help readers decide if PSSR applies to them or not
- A new appendix has been added to provide clarity on how to apply PSSR in a proportionate manner to small pressure vessels in schools
- A section on the legal background to PSSR and related legislation has been removed as it was out of date.

The Regulations themselves have not changed at all, so dutyholders' responsibilities remain unchanged.

Advice on Dealing with FLOODING

With weather forecasters predicting an increased risk of very wet weather this winter, and following flood alerts, health and safety professionals may wish to acquaint themselves with recently published advice by the Health and Safety Executive (HSE) on how to recover businesses safely following a flood.

The recently published information may be useful both in terms of minimising risks from floodwaters and cleaning up safely. The information was published by the HSE after a number of businesses were badly affected by flooding after the sustained bad weather in the winter of 2013/2014.

The basics:

How can I minimise the risks from floodwater?

- Avoid coming into direct contact with floodwater if possible, as it can contain sewage and chemicals. If you have to go into the water, wear waterproof gloves and rubber boots
- Take care if you have to go into floodwater - there could be hidden dangers like sharp objects, raised manhole covers and pollution
- Keep open cuts and sores clean and use waterproof plasters to protect them
- Always wash your hands with soap and warm water after contact with floodwater or after cleaning up

How can I dry my premises safely?

- Do not use petrol or diesel generators or other similar fuel driven equipment inside, as they can produce poisonous levels of carbon monoxide, which can kill. Always follow the manufacturer's instructions
- When handling or storing petrol or other fuel to use with generators, make sure you have suitable containers and keep them away from ignition sources
- Ensure good ventilation if using portable indoor heaters to dry out indoor spaces

What about the electrical safety of the building and any equipment?

- Do not touch sources of electricity if you are standing in water, because of the risk of shocks and burns
- If you are concerned that essential electrical equipment may have been damaged by flooding, consider getting it checked. The Electrical Safety Council has electrical safety advice for homes affected by flooding

How can I clean up my premises?

- Wear rubber boots, overalls and waterproof gloves during the clean-up
- Hoses are useful for washing down. If you are scrubbing or hosing you should wear suitable protective clothing to protect you from splashes of contaminated water
- High pressure hoses may blast contamination into the air and it is recommended that you use appropriate protection for your eyes and face
- Do not mix chlorine-based bleaches with other detergents, as this may release hazardous fumes
- Remember to wash your hands and all safety clothing, such as goggles, after each clean-up session, this helps to stop bacteria breeding

What hazards do I need to be aware of when cleaning my premises?

- Wear suitable protective gloves when handling containers of hazardous chemicals in case they have been damaged during the flooding
- If you think chemicals may have leaked during the flooding, take extra care entering any floodwater, especially in enclosed spaces where fumes may build up. Guidance on working with harmful substances is available
- Advice on the safety of gas appliances after flooding can also be found online
- If the clean-up involves any work with asbestos, seek specialist advice
- Rats can move after their nests have been flooded, so be careful if you think your premises have been contaminated by rat droppings or urine, as their urine can spread disease. Wash your hands thoroughly with soap and warm water after contact.

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MOVEMENT OF VEHICLES IN THE Workplace

Premises managers are likely to have to deal with a variety of vehicles being used for many different tasks on their site. The vehicles may range from road-going vehicles, such as staff and visitors' cars, delivery vans and lorries, to specialist handling equipment, such as fork-lift trucks, dumpers, side loaders, reach trucks and telescopic material handlers. While seemingly essential for running businesses, transport can be extremely hazardous. Workers and members of the public can suffer fatal injuries caused by workplace transport. As well as causing death and injury, collisions involving vehicles can cause substantial damage to other vehicles, buildings or racking and equipment.

CONTINUED...

What are the risks?

The Health and Safety Executive has produced extensive statistics that have identified four main areas where workplace transport accidents occur.

1. Moving vehicles that come into direct contact with people in the workplace
2. Persons falling from vehicles during the loading and unloading operations
3. Vehicles (including fork-lift trucks) that have overturned due to exceeding site speed limits, uneven surfaces in the yard, or unsafe loads that have moved, causing instability
4. Goods that have fallen from a vehicle, striking individuals in the area

A wide range of aspects

No two premises are the same. The nature of the site, the activities that take place on site, the vehicles, employees, visitors and contractors, plus those making deliveries, all differ. Consequently, the control of risks from the movement of vehicles needs to cover a wide range of aspects. This article will concentrate on a key aspect of managing the risk of contact between vehicles and people, particularly where shared routes are used and drivers fail to see pedestrians or pedestrians fail to see drivers.

Direct contact between vehicles and people

An illustration of a failure to put suitable control measures in place to separate pedestrians and vehicles is illustrated by an incident that led to the prosecution of Halfords Autocentres Ltd of Redditch.

Michelle Sloan, who worked for Euro Car Parts Ltd (a supplier of parts to Halfords), had parked in front of the Halfords Autocentres reception to unload parts. As she reached into the back of the vehicle to remove the parts, a transit van reversed into her door, closing it and trapping both her legs. She suffered a torn tendon in her left knee and a severed tendon in the right one. A year after the incident, she was still struggling to walk and had been unable to return to work.

Halfords Autocentres Ltd pleaded guilty to a breach of regulation 17(1) of the Workplace (Health, Safety and Welfare) Regulations 1992, for failing to ensure workers and vehicles could move safely around its site. The company was fined £5000 and ordered to pay a contribution of £5000 to the prosecution costs of £5916.

What are the risks?

The main risks to pedestrians arise from:

- Pedestrians and/or cyclists sharing the same routes with vehicles
- Drivers not seeing pedestrians or cyclists
- Reversing vehicles
- Site rules not being followed or enforced.

Separating pedestrians and vehicles

The premises manager must ensure that vehicles can use a traffic route without causing danger to the health or safety of pedestrians and those working near it. Whenever possible, the roadways and footpaths should be separate and, if this is not possible, adequate warnings must be in place. Cyclists are also vulnerable and, consequently, their needs must be taken into consideration.

Wherever possible, traffic routes should be separated by a barrier strong enough to stop a vehicle, and that is designed to guide and segregate people from the traffic. Barriers or rails should be positioned to prevent pedestrians from walking onto roads and to deter pedestrians from crossing at particularly dangerous points, eg entrances and exits to buildings and at the corners of buildings. If barriers cannot be installed, road markings can be used to set apart vehicle and pedestrian routes. The difference in level created by a kerbed footpath will clearly show the difference between a pedestrian route and a vehicle route. Pedestrian paths that follow the route that they would naturally use will encourage people to stay on them.

Where pedestrians and vehicle routes cross, there should be provision of appropriate crossing points for people to use. These should be suitably marked and signposted. Different types or colours of paving can be used to guide pedestrians to the crossing points.

On larger sites, footbridges and subways can be used to avoid the need for pedestrians to cross a traffic route. Care should be taken to ensure that bridges over traffic routes do not interfere with high loads. When a large number of pedestrians is likely to be crossing, for instance during a shift changeover, access of vehicles to the roadway should be restricted.

Visibility

Many accidents are caused by poor visibility, either by pedestrians not seeing vehicles or drivers not seeing pedestrians. There can be several reasons for drivers being unable to see pedestrians, including blind corners, poor lighting or driving too fast.

Potential hazards, eg road junctions, pedestrians and instructions, must be clearly visible. Drivers and/or pedestrians and, where feasible, visitors should wear high-visibility clothing if they cannot be adequately segregated from vehicles. Where vehicles enter buildings, such as warehouses, there should be separate access doors for vehicles and pedestrians. Windows in doors can help drivers and pedestrians see whether it is safe for them to approach. One-way systems can be used to reduce risks at blind corners. Where this is not feasible, suitable fixed mirrors should be installed to enable good visibility at blind corners. Certain aspects of vehicles can cause poor visibility; large vehicles, for example, can have zones of impaired visibility. Drivers may be unable to see into blind spots as the vehicle changes direction and there are obvious visibility problems associated with reversing vehicles.

Reversing vehicles

Nearly a quarter of all deaths involving vehicles at work occur during reversing. In addition, many reversing accidents cause costly damage to vehicles, equipment and premises. Where possible, the need for reversing should be avoided by setting up one-way systems, including drive-through loading and unloading positions. If this cannot be achieved, routes should be organised to minimise the need for reversing. Where reversing cannot be avoided:

- The reversing areas should be designed to increase visibility for drivers and pedestrians and should be clearly marked
- Safe systems of work should be used
- Pedestrians with no need to be in reversing areas should not be allowed in the area
- A signaller (banksman) can be used to aid manoeuvring in areas where clear views are restricted or where there may be blind spots, such as reversing into restricted spaces
- Many trucks can be fitted with cameras to assist the driver to both complete his or her movements more easily and also to indicate any pedestrians moving around the vehicle
- Proximity sensors can be of value, but these can lead to complacent behaviour with drivers over-relying on reversing aids
- Audible reversing alarms and flashing beacons on vehicles can be used to draw attention to the movements of the vehicle
- Anyone in the area should wear visible clothing, such as reflective vests.

Site rules

Lack of knowledge, or misunderstanding of site rules together with the lack of enforcement of the rules, can lead to accidents involving vehicles. Speeding, pedestrians crossing at unofficial crossing places, and vehicles leaving their designated route can be a consequence of failure to follow site rules or lack of awareness of the rules.
Drivers and pedestrians who work on site need to be informed about the routes, layout and site rules relating to transport. New staff should be given information on site rules relating to traffic during their induction, and procedures should be in place to ensure visitors, particularly visiting drivers, are aware of the site rules. The speed limits for vehicles on site should be posted at entrances and around the site for reinforcement. There may also be a need for direction and priority signs.

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Timber!

WORKING SAFELY WITH WOOD

According to the Health and Safety Executive, woodworking not only has one of the highest accident rates in manufacturing but is the only industry in Britain where machinery accidents cause more injuries than slips and trips. Yet machinery is just one area of risk.

When working with wood, risk assessment is about more than just analysing the immediate hazards and risks. Decisions such as the type of product streams to be manufactured, investment decisions on new machinery and workshop facilities, along with the key issue of training and supervision all, in reality, influence the subsequent risk assessments.

Risk planning and controls can happen before the assessment itself and can often make it more effective thanks to the awareness that is brought to the process. This is especially true in industries such as woodworking, where both hazards and risks can be seen as high.

What should be considered?

It is worth reviewing the following areas, among any other specific issues in individual workshops:

Workplace management/work environment

The configuration of workshop and storage areas influences safety more than is sometimes appreciated. There is little point in having, for example, a state of the art circular saw if there could be collisions on the shop floor, electrical accidents, slips and trips or staff injured by falling stock, etc.

Effective cleaning, management of working stock and completed jobs will minimise the risks of slips and trips.

The storage and movement of timber and board is an area that should be reviewed: minimising the risks of collapse or collision can be achieved through effective design as well as good operational controls. If all or some maintenance is undertaken internally then the storage of blades and other consumables should be provided for.

Well-designed manual handling procedures as well as maintenance controls should be in place to minimise risks.

Engineering controls and local exhaust ventilation systems (LEV) need to be chosen and installed to meet the day-to-day operational needs of the workshop and not because they seem the most modern solutions. All such systems are servants - not masters - of a safe process.

It is tempting to design a work environment and then leave it as it is, sometimes for years. Workshop and stores layouts need to be regularly reviewed, not only for safe operation but also for efficient operation. Jobs such as cleaning and routine maintenance can be put on the back burner but this is, again, a false economy both in terms of safety and future more expensive resolutions.

COSHH

The Control of Substances Hazardous to Heath Regulations 2002, of course, relate to obvious things like solvent-based substances, eg; certain paints and vanishes, which, in woodworking, can sometimes be substituted with water-based products. Where solvents or isocynatate based products are used then proper controls, such as extraction ventilation, need to be used and reviewed for their adequacy.

One area of COSHH not always immediately considered is that of toxic woods. The Health and Safety Executive (HSE) publishes an information sheet, Woodworking Sheet No. 30 Toxic Woods, which explains that it is not just the well known risk of wood dust that can be harmful to health but that some timber has saps, latex or lichens that can be toxic, causing occupational illnesses such as contact dermatitis and asthma. Splinter wounds from woods like greenheart and mansonia can create secondary infections from bacteria and fungi occurring naturally within the timber.

Wood dust exposure has been assigned workplace limits. The approaches taken to maintain or improve on these limits should be considered. For example, the US Department of Labor Occupational Safety and Health Administration (OHSA) has pointed out that technological advances in LEVs - some using pressurised air to draw dusts into the hood - can facilitate increases in both the velocity and volume of dust extracted. LEVs need to be chosen for the specific risk and volume of dust expected as well as taking into account the level of investment.

CONTINUED... ▸▸

Occupational health monitoring of staff should be considered in higher risk environments. What may seem like an unnecessary expense can in fact save money and is the action of a responsible employer. It may also lead to the decision that the profits from certain product lines are not worth the risks for the costs - and potential costs - involved.

In the woodworking industry particularly, COSHH risk assessments are about more than simply looking at material safety data sheets.

Electrical safety

While woodworking machines have the potential to cause traumatic injuries, electrical safety should not be forgotten. Electrical faults are a common cause of fire and the HSE points out that exposure to an electric shock as low as 50V can impact on human health. When operating machinery the risk of loss of muscle control following a mild shock could lead to a more serious accident involving blades or other moving parts.

One obvious issue is the retrofitting of new machinery or upgrades, particularly where computer controlled equipment is installed. It is essential to understand the impact that the new or enhanced kit will have on the electrical supply equipment throughout the workshop. Verify that wiring or circuits have not been overloaded with increased amperage or isolation circuits affected.

Fire and explosion

While there are a number of general fire risks in woodworking there are specific risks involving wood dusts. The flammability of wood dusts will vary according to the type of wood and the process involved (eg; the sawing and machinery of board may produce very fine dusts).

Explosions can occur when an unconfined dust cloud ignites, and there is a very rapid fire progress through the rest of the cloud itself. As with all explosions, once it takes place there is not only the immediate life safety risks from the initial explosion but it can cause secondary fires or other serious damage. Rapid fire progress can arise in a number of different environments outside of woodworking and it can be difficult to determine what set of circumstances might give rise to a wood dust explosion.

Scenarios need to be carefully considered to decide where a risk of dust explosion might arise. However, a wood dust fire can be equally serious dependent on location and life risk.

While LEVs can be an important element in reducing the risk of wood dust fires or explosions, the LEVs themselves can form part of the risk. The ducting of LEVs needs to be carefully designed to minimise the risk of dust accumulations catching fire. Depending on the location of the ducting and any extraction pipework these can act as flues, ie; any outbreak of fire can lead to a rapid fire spread from one part of the building to another. Wood dust explosions can also occur in the ducting itself. Fire risk assessments need to specifically consider these scenarios in terms of both property and life safety risks.

Conclusion

This feature has pointed out a number of specific areas to consider in woodworking alongside machinery safety, but it is by no means an exhaustive list. Critically looking at the risk assessment process will provide a fresh view of what needs to be done to protect life and assets in all areas of woodworking.

APPRENTICES IN CONSTRUCTION

The Special Risks

Construction sites are dangerous places to work, as confirmed by the high rates of fatal accidents, serious injuries and ill health that occur each year. Construction sites are also the training ground for thousands of young apprentices who have set off to learn a trade or skill, often through vocational qualifications.

CONTINUED...

These young apprentices are especially vulnerable to accidents and ill health because they often have particular characteristics that make them a special risk. According to Health and Safety Executive (HSE)/Labour Force Survey statistics, young men aged 16–24 have a substantially higher risk of workplace injury than older men. The rate of workplace injury in young men is 37% higher for 16 to 19-year-olds and over 70% higher in 20 to 24-year-olds, as compared with older men. Even after allowing for different occupations and other job characteristics, young men face a 40% higher risk of workplace injury than men aged 45 to 54. Women show a less obvious link of higher rate of injury with age but the same factors of inexperience and immaturity apply as much to women as men, and the same overall affect on health and safety would be expected.

So what are the special factors that make apprentices a special risk? What are the legal requirements and how can apprentices onsite be protected?

Special factors and the law

Apprentices are a special case because they are usually young and also inexperienced compared to their older colleagues. They often do not have the physical and psychological capacity of older workers. They are often unfamiliar with common workplace risks. They sometimes do not understand or appreciate site rules, authority and procedures. Because of their age, they are often not fully developed physically and consequently, more vulnerable than older workers if exposed to hazardous substances and agents. Substances such as asbestos, which has a long latent period, have more time to take effect, and younger bodies and organs are often more vulnerable to exposure to other hazardous substances and agents. In construction, there are often behavioural aspects of apprentices that have to be taken into account; there is sometimes a reluctance to follow procedures such as wearing PPE. There is also

sometimes a "macho" attitude, particularly among young men, which can lead to greatly increased risks through unsafe behaviour.

Apprentices are protected by the Health and Safety at Work Act 1974, which requires employers to "ensure so far as is reasonably practicable, the health, safety and welfare while at work, of all employees and non-employees". The requirement is a general one, but the fact that it is qualified by the term "so far as is reasonably practicable" means that the well-known "cost vs risk" benefit analysis must be carried out. In practice, this means that the increased risks that an apprentice may face because of their age, inexperience, immaturity and so on have to be taken into account.

The Management of Health and Safety at Work Regulations 1999 also require the protection of young people including apprentices. Regulation 19 requires employers to ensure that young people who are employed are protected from risks that are a consequence of their "lack of experience, absence of awareness of existing or potential risks, or the fact that the young persons have not yet fully matured". The regulations require employers to carry out a risk assessment before young people start work.

Common law too, requires young people to be treated in a special way. The duty in common law is owed directly by the employer to his or her employees, which means that personal and special needs must be taken into account. Common law makes it clear that greater precautions must be taken when dealing with young or inexperienced workers such as apprentices. Failure to deal with this increased risk can lead to civil claims for compensation.

Protecting apprentices in practice

Apprentices can only be adequately protected through a proper consideration of the special risks and factors and by implementing effective safeguards to protect apprentices on site. Current advice from the HSE is that if an employer already employs a young person, or has done so in the last few years, their existing risk management arrangements should be sufficient providing any new young person is of a broadly similar level of maturity and understanding, and has no particular additional needs. If employing a young person for the first time, or employing one with particular needs, an employer will need to review their risk assessments, taking into account the so-called specific special factors for young people before they start their apprenticeship.

In practice the following factors must be taken into account:

- The potential lack of physical and psychological capacity of the apprentice
- Exposure to harmful agents such as chemicals, heat, cold or vibration (the effect of which can be accentuated by youth)
- The apprentice's lack of experience and training
- A possible lack of attention and concentration
- The role of supervision, and the correct level and type required
- Psychological factors such as attitude, which in turn can affect behaviour
- Legal requirements, codes of practice, standards and HSE guidance.

Case studies

Earlier this year, and as reported by the HSE, a 16-year-old apprentice had a lucky escape from serious injury after falling 4m through a fragile roof light at a farm in Yorkshire. The teenage worker suffered bad bruising to his back but no broken bones after his fall through the roof light on a barn where solar panels were being installed by an electrical contractor. It was only his third day at work. At the time, the 16-year-old was on the ground tidying up when he was asked by the other apprentice if he would fetch a tool. Without thinking to put a harness on, the youngster went onto the roof, stumbled and trod on a partially-covered roof light which gave way, sending him crashing through to land on the concrete floor below. His employer was prosecuted and fined.

After the hearing, HSE Inspector Julian Franklin said: "This young man certainly had a close shave. Falling from height remains one of the biggest causes of death and major injury.

"It is particularly important to ensure that vulnerable young people, new to the working environment, are given very close supervision, clear instructions and not exposed to risks that they may not be able to envisage."

A Dutch building firm has also been fined after an apprentice fractured his skull falling more than 6m from a scaffold during construction of a new Leisure Centre in West Bromwich.

And a 17-year-old labourer from south-west London had a narrow escape after surviving a 4m fall through a hole in a loft, with only cuts and bruises. His employer, More Than Lofts Ltd of Worcester Park, Sutton, suffered a financial penalty when it was prosecuted (3 September 2014) and fined by the HSE for safety failings that led to the incident.

The way forward

Apprentices working on construction sites have the right to be properly protected and deserve a fair chance as they start their working lives. This will only be achieved if their special vulnerability to risk is considered and dealt with by employers and those managing construction sites. Only by positive action will potential tragedy be prevented.

It is also important to recognise that apprentices are the role models of tomorrow. The way forward is to invest in the health and safety of apprentices now and reap the rewards in the future.

Training TOOLS

This edition... Young Apprentices in Construction

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.

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Taking on young apprentices can bring great personal and business related benefits, but it is not without its risks. Being young often means an higher level of energy, but also a lack of experience and development. A lack of exposure to construction sites, and the inherent dangers, combined with a lack of experience can mean unnecessary risks are taken.

Apprentices are protected by the Health and safety at work, etc Act 1974, which requires employees to "ensure, so far as is reasonably practicable, the health, safety and welfare while at work, of all employees and non employees".

This downloadable presentation covers:

- Understanding the Law
- What are the Risks
- Mitigating the risks
- The Benefits

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SETON

How accessible is your workplace?

Most people are blissfully unaware of the issues of accessibility and inclusive design, although these issues affect the buildings, environments and services we use on a daily basis. Here we consider how employers can ensure that their offices are accessible for employees, visitors and members of the public.

Why make offices accessible?

The main reason why employers should make their offices accessible to all is that there is a moral and legal duty to do so. Under the Equality Act 2010, public sector employers have a similar duty to service providers such as shops and cinemas, which means that they have to anticipate the needs of disabled users and proactively ensure that their premises are accessible. They also have to meet the requirements of the Disability Equality Duty of 2006, which states that all public sector organisations have to promote equality of opportunity for disabled people.

In the private and other sectors, the duty under the Equality Act 2010 is less strict. If the employer is not a service provider, their duty is reactive: this means that these employers should make reasonable adjustments for disabled employees only after they identify a need to do so.

Apart from legal requirements, there are other reasons why all employers should make their offices accessible. Making a building accessible does not mean it has to be ugly, complicated or difficult in some way. Accessible buildings are better places for everyone to work in, regardless of their ability. Simple, low-cost changes can make a big difference, such as providing step-free access or fitting handrails to external steps. Visitors, interviewees, older workers and those with temporary conditions that affect mobility (eg; a sprained ankle) will all benefit from these sorts of adjustments. Making buildings more inclusive will make them better places to work in, and this will improve employee morale and organisational reputation. Building a reputation as an accessible employer may also help to attract talent from groups that may not have had an opportunity to apply previously.

Inclusive design

The fundamental principle of inclusive design (ID) is that products and/or services should be accessible to, and usable by, as many people as reasonably possible without the need for special adaptation or specialised design. When considering office buildings, this principle applies to the building's key features, eg; horizontal and vertical circulation, acoustics and layout.

As an example, consider the use of colour and tonal contrast (wall/floor colours, the reflectivity of surfaces) throughout a building. Choosing walls and floors that contrast well with each other, and avoiding reflective and highly polished surfaces, will assist visually impaired people to find their way about. This makes the building more accessible and usable without making it any less accessible for everyone else.

There is a legal requirement to use inclusive design principles in non-domestic buildings. Part M of the Building Regulations sets out accessibility requirements that must be met in the following situations.

- Any newly erected building
- Extensions or material alterations (eg; refurbishment) to buildings
- Material changes of use to existing buildings (eg; conversion to a shop or hotel).

Guidance on Part M is found in Approved Document M - Access to and Use of Buildings (ADM). It specifies design features for specific building areas that will help achieve compliance, although they are not the only way to meet the requirements. Constraints of structure and context in some building types may make generic solutions impossible, so alternative solutions will need considering.

Most of the guidance in ADM comes from BS 8300:2009 + A1:2010 Design of Buildings and Their Approaches to Meet the Needs of Disabled People. Code of Practice, which contains more prescriptive guidance on accessibility features. It is good practice for buildings to meet this guidance, although it is not a legal requirement. However, BS 8300 may be useful in suggesting alternative ways to meet legal requirements if the guidance in ADM cannot be met.

Access audits and statements

In theory, all modern offices should comply with Part M, although in practice this is often not the case. Features such as wheelchair-accessible reception counters (these have a section at a lower level suitable for a wheelchair user) are all too often not present, with no alternative solution available. Not complying with Part M can put employers at risk of costly legal claims, or result in equally costly unplanned refurbishments.

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Access audits and access statements are two of the most commonly used tools to avoid these pitfalls. They help employers meet legal requirements, adhere to the principles of inclusive design and avoid claims of discrimination.

An access audit is a detailed review of all building features to assess compliance with Part M, and highlight any significant barriers to access. The auditor will spend time on site to review building features, interview disabled users of the building and meet with key stakeholders (eg; building managers and facilities personnel). He or she will then prepare a report that summarises the level of compliance for each building area, such as entrances, vertical circulation, WC provision, etc. For any areas of non-compliance an audit report will recommend reasonable adjustments to resolve the issue. When making recommendations, auditors should consider the reasonableness of making any adjustment, based on factors such as the likely cost, the resources available and how significant is the barrier to access.

Access statements are a statement of intent that set out how accessibility features will be considered during planned new builds and refurbishments. They are typically submitted to building control bodies by the architect responsible for the work, together with building plans. They follow a similar format to access audit reports, summarising the architect's approach to inclusive design for specific building areas and any key access issues. They are also updated as building work progresses to reflect decisions made that may affect accessibility, and the rationale behind these decisions.

Training and information

Staff training is an essential part of making an office accessible. Often, offices have equipment that is intended to remove barriers to access, but poor staff training can mean that this equipment is not used as intended. System Concepts once undertook an access audit for a client who had portable induction loops at all reception desks in its offices. Unfortunately, none of the reception staff had any idea how to set the loops up and were also unaware of the need to keep the batteries charged. In theory, it was a great idea; in practice, the loops were a costly white elephant for the client.

Front-of-house staff should also be aware of how to interact with disabled people, whether clients or visitors. For instance, it can be quite challenging for a security guard to know when to offer assistance to a wheelchair user or a blind person, as well as what language to use and the best way to interact with the person. A short training course in disability awareness will help ensure that these issues are solved and that disabled people are treated with dignity and respect.

Conclusion

In conclusion, a truly inclusive working environment:

- Recognises that inclusion adds value to the business
- Includes everyone in the way the workplace is designed
- Gives people the right tools and equipment to do their jobs and move around the workplace effectively
- Creates the right processes and systems to make the workplace more inclusive
- Trains people and gives them enough information to ensure that they can use the tools, systems and processes effectively.

Further information

Equality and Human Rights Commission: www.equalityhumanrights.com.

HELPING SMALLER BUSINESSES

Manage Stress

The Institute of Occupational Medicine (IOM) has published a new guide, developed on behalf of the European Agency for Safety and Health at Work (EU-OSHA), to help smaller businesses manage psychosocial risks and stress in the workplace.

The guide features useful tips and strategies for prevention of stress in the workplace. It emphasises the hierarchy of actions that should be taken in companies to improve the psychosocial work environment.

By offering practical explanations and examples of effective actions, workplace stress can be managed effectively even with limited resources.

The guidance sets out:

- Simple explanations of risks, their causes and consequences for workers and businesses
- Advice and instructions on how to spot problems early and take action
- Practical examples of prevention and risk management, particularly for small businesses
- Information on national resources.

Commenting on the issue, Dr Christa Sedlatschek, Director of EU-OSHA, said, "Although we cannot see or measure stress in the same way as many other health problems, it is a very serious issue. It can affect workers both emotionally and physically, but businesses and the economy in general can also suffer at the hands of stress… tackling stress and psychosocial risks is both possible and worthwhile, and the launch of our e-guide puts a practical tool into the hands of employers and workers."

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Actions to Address the Causes of Workplace Stress

To address the common aspects of working life that can cause stress, managers should regularly do the following.

Review workloads, targets and deadlines. This may involve:

- Reviewing the volume of work each employee is expected to achieve in order to assess whether it is fair, reasonable and realistic
- Consulting employees about their workloads to establish how they perceive management's expectations of them
- Recognising that all individuals have their limits and are different in their abilities
- Reviewing whether the demands being made on particular individuals are within those individuals' personal coping resources
- Taking steps to identify and cut out any unnecessary or duplicated work.

Examine working patterns and hours. This may involve:

- Accepting that it is detrimental both to individuals and the organisation if employees work excessively long hours
- Examining ways of reducing working hours to a manageable and reasonable level, by considering strategies such as imposing a maximum number of permitted hours per week on all staff, monitoring whether employees take proper breaks and holidays, reviewing and/or redistributing workloads and/or recruiting additional staff
- Offering employees a choice, wherever possible, as to their working patterns and the number of hours they work
- Facilitating alternative ways of working, eg job-sharing or home working.

Review employees' jobs and how they are done. This should involve:

- Providing every employee with a clearly written job description which details their responsibilities, duties, objectives and priorities
- Giving individuals more control over their day-to-day work whenever possible
- Finding ways of giving employees opportunities to do different or more challenging work from time to time
- Listening to employees' views about their work and the ways in which it is performed.

Examine whether communication is effective. This may involve:

- Reassessing how communication takes place in the organisation, eg if it is all conducted by email, seek to spend more time talking to people face-to-face
- Introducing email etiquette and guidelines to encourage staff to think about when email communication is or is not appropriate and provide examples
- Checking (rather than assuming) that each employee properly understands how his or her job fits in with the organisation as a whole
- Consulting staff regularly about matters that might affect them
- Providing individuals with regular face-to-face feedback on performance, remembering that a little bit of praise can go a long way
- Encouraging employees to raise any workplace problems they may have, including problems related to workplace stress, while making sure that everyone knows they can do so without fear of recrimination.

Provide adequate training, support and resources. This should involve:

- Ensuring that no employee is promoted or transferred before he or she has received the necessary training for the new post
- Consulting each employee about his or her training needs, while recognising that different people need different amounts of support
- Making time to provide individuals with relevant training and coaching.

Examine the prevalent management style. This may involve:

- Conducting an attitude survey to find out how employees view the organisation's management
- Offering management training to all those who have supervisory responsibility for staff
- Encouraging an open, consultative management style
- Providing coaching to any managers whose traditional style is perceived as authoritarian or dictatorial.

Implement a bullying and harassment policy and associated complaints procedure. This will involve:

- Recognising that workplace bullying happens, rather than denying its existence
- Recognising that bullying can take many forms
- Making and communicating a strong management commitment to the elimination of bullying and harassment in the workplace
- Taking all complaints of bullying or harassment seriously
- Investigating any complaints promptly with a view to putting a stop to any behaviour that is causing offence or distress
- Providing awareness training on harassment for all staff
- Taking disciplinary action against any employee who is found to have bullied or harassed a colleague.

Concerns over rise in illness and injury at WORK

In 2013-2014 the number of workers killed in Britain fell to the lowest annual rate on record, data released by the HSE showing that there were 133 fatal injuries between April 2013 and March 2014. Compared with 150 in the previous year, this means that the overall rate of fatal injury has dropped to 0.44 per 100,000 workers, compared to 0.51 in 2012/13.

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Compared with 150 in the previous year, this means that the overall rate of fatal injury has dropped to 0.44 per 100,000 workers, compared to 0.51 in 2012/13.

Judith Hackitt, who chairs HSE, said: "The release of the annual statistics always leads to mixed emotions. Sadness for the loss of 133 lives, and sympathy for their families, friends and workmates, but also a sense of encouragement that we continue to make progress in reducing the toll of suffering."

Construction remains the most dangerous sector accounting for 42 of the fatal injuries to workers, although this was lower than the average annual figure for the industry of 46.

HSE has also released the latest number of deaths from mesothelioma, a cancer caused by exposure to asbestos. These show that 2535 people died in 2012, an increase from 2291 in 2011.

Ms Hackitt said that the high numbers of deaths relating to mesothelioma are a reminder of historically poor standards of workplace health and safety which, decades later, are causing thousands of painful, untimely deaths each year.

"While we now recognise and are better positioned to manage such health risks," she concluded, "these statistics are a stark reminder of the importance of keeping health standards in the workplace on a par with those we apply to safety."

TUC Response

In response to the figures the TUC claimed that they "paint a worrying picture".

New cases of work-related illnesses, and the number of self-reported injuries, have both risen to well above the level in 2010/11, reversing a long-term downward trend.

At the same time, enforcement action has fallen, particularly in local authority-enforced sectors where illnesses such as back pain and stress are more common.

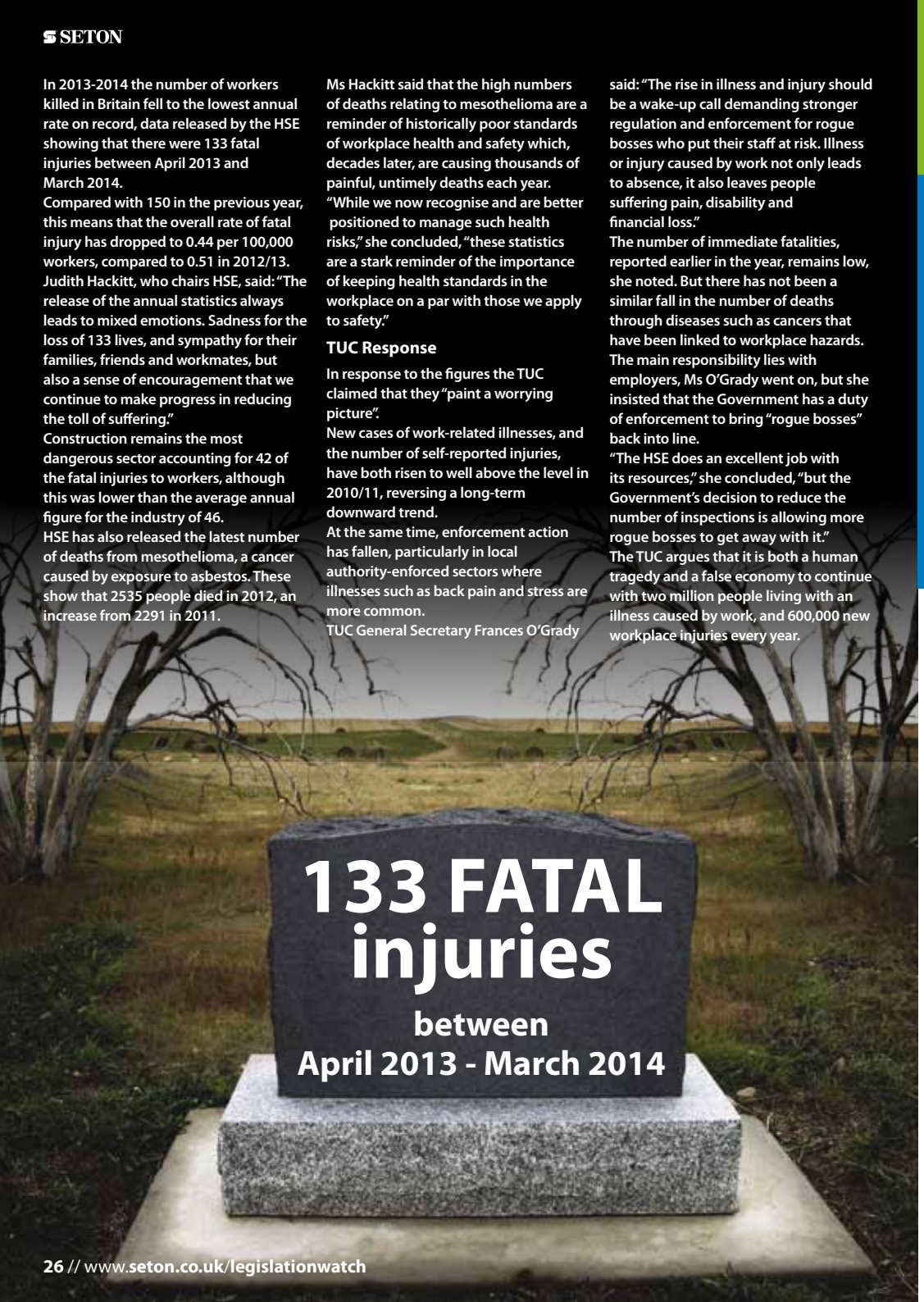
TUC General Secretary Frances O'Grady said: "The rise in illness and injury should be a wake-up call demanding stronger regulation and enforcement for rogue bosses who put their staff at risk. Illness or injury caused by work not only leads to absence, it also leaves people suffering pain, disability and financial loss."

The number of immediate fatalities, reported earlier in the year, remains low, she noted. But there has not been a similar fall in the number of deaths through diseases such as cancers that have been linked to workplace hazards.

The main responsibility lies with employers, Ms O'Grady went on, but she insisted that the Government has a duty of enforcement to bring "rogue bosses" back into line.

"The HSE does an excellent job with its resources," she concluded, "but the Government's decision to reduce the number of inspections is allowing more rogue bosses to get away with it."

The TUC argues that it is both a human tragedy and a false economy to continue with two million people living with an illness caused by work, and 600,000 new workplace injuries every year.



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First aid

THE LEGAL NECESSITIES

First aid is help given to a sick or injured person until full medical treatment can be accessed. Its availability, which can be a matter of life or death, depends on a person or persons having the knowledge of what to do in the minutes before professional help is available.

The premises manager

The person responsible for managing the site has to understand the extent of the first aid needs on the premises they manage. The manager has to consider the need to provide first aid for two categories of persons: employees for whom there is a legal requirement to provide first aid and non-employees for whom there is no specific legal duty to provide first aid. The Health and Safety at Work, etc Act 1974, however, requires employers to ensure, as far as is reasonably practicable, the safety of persons other than employees, eg contractors, visitors, the general public and clients.

As well as direct employees, the building manager may have the responsibility for the health and safety of the other employees in the building, whether owner or tenants. These may be casual workers, contractors and members of the public visiting the premises.

Provision of first aid for employees

Under the Health and Safety (First Aid) Regulations 1981, employers must provide the equipment and facilities needed to enable first aid to be given to their employees if they are injured or become ill at work. The Regulations are supported by guidance issued by the Health and Safety Executive (HSE), L74 The Health and Safety (First Aid) Regulations 1981. Guidance on Regulations.

Assessment of first-aid needs

Employers have to make a needs assessment that considers the nature of their workplace, workforce, and the health and safety risks likely to be present. This will help them decide the first aid personnel, equipment and facilities needed to give immediate assistance to casualties with either injuries or illnesses; and to summon an ambulance or other professional help.

Personnel

In workplaces where there are a large numbers of employees, for example more than 25 employees and/or significant health and safety risks, such as machinery or hazardous materials, a trained first aider will usually be required.

First aiders will usually hold a valid certificate of competence in either:

- Emergency first aid at work (EFAW), which enables a first-aider to give emergency first aid to someone who is injured or becomes ill while at work; or
- First aid at work (FAW), which includes EFAW but also equips the first aider to apply first aid to a range of specific injuries and illnesses.

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There are no specific requirements for the exact number of first aiders needed. The assessment will need to take into account all the relevant circumstances of their particular workplace. L74, the guidance to the First aid Regulations 1981, does include suggestions on the numbers of first aid personnel to be available at all times in Appendix 3.

In low-risk workplaces where there are only a small number of employees, a first aider may not be required and there may only be a need for a first aid box and a person appointed to take charge of first aid arrangements such as calling the emergency services and stocking the first aid box. This person, the appointed person, does not need specific first aid training.

First aid container

The needs assessment should identify the materials, equipment and facilities needed. These will include first aid equipment, identified by a white cross on a green background and easily accessible in all places where working conditions require it. There is no mandatory list of the items to be included in a first aid container, but L74 does include in Appendix 2 a suggestion of what a minimum stock of first aid items might be. The needs assessment may indicate that additional first aid materials and equipment may be required. These may be for example foil blankets, disposable aprons, individually wrapped moist wipes, adhesive hypoallergenic microporous tape, shears capable of cutting through clothing and sterile disposable tweezers. If mains tap water is not readily available for eye irrigation, sterile water or sterile normal saline should be provided.

Lone workers

An organisation may support employees who work on their own. These could be cleaners, security personnel and maintenance staff who work on the premises out of hours or they may be mobile workers travelling from one building to another. Their needs should be included in the first aid needs assessment. The assessment should consider the information regarding emergency procedures that should be given to lone workers and whether they need first aid training. For mobile lone workers the needs assessment should consider whether they should carry a travelling first aid kit. Guidance on the contents of travelling first aid kits can be found in Appendix 2 of L74.

Non-employees: contractors and the self-employed

The majority of organisations will occasionally have non-employees working on their premises. Most will be contractors or self-employed persons but some may be workers provided by an employment agency. The organisation still has responsibility for the health and safety of any contractors or self-employed people doing work for it. As far as first aid is concerned, it has to ensure that appropriate first aid provisions are in place for the contractor's workers. This may be providing first aid facilities themselves or by agreeing in the contract that that the contractor provides appropriate first aid facilities and ensuring it is provided.

Employment agency and business workers

There is a difference between an employment business and an agency in that the "employment business" provides its own workers on a contract basis to the organisation, whereas the "employment agency" introduces staff to an organisation for employment by that organisation. Once taken on, an agency worker is an employee of the organisation he or she is working for and first aid provision should be the same as for the organisation's employees.

Although employment business workers are not employed directly, the organisation has a duty of care to ensure that such workers are not exposed to risks to their health and safety. Consequently, employers should include workers from employment businesses in their assessment of first aid needs and make provision for them. However, where employment business workers are mobile workers the worker may have been given first aid training and have their own first aid kit. The organisation should ensure that the contract with the employment business clearly identifies who provides first aid.

The public

The HSE recommends that members of the public should be included in the first aid needs assessment. Premises managers should consider the duty of care that falls upon them when a member of the public visits their site and decide whether providing first aid facilities for them is appropriate. Situations where the organisation may have to consider the provision of first aid for members of the public includes businesses such as shops, restaurants and leisure facilities that deal with members of the public. Employers' Liability Insurance usually covers the actions of an employer's first aiders in respect of liability for damages and legal costs. Where the first aid provision is intended to cover both employees and non-employees, the organisation should check the liability insurance covers all the activities of first aiders.

Records

There is no requirement for the assessment of first aid needs to be formal or written down. However, by retaining a record of their needs assessment the premises manager can demonstrate to a safety representative or an HSE or local authority inspector how they decided on their level of first aid provision. The insurance company may also want to see the records if there is a work-related claim.

Shared premises

Where the premises has numerous occupiers but is managed by a single organisation, the organisation's responsible person might consider whether joint first aid arrangements can be made between the occupiers and self-employed workers on the premises. Where this is the case it is recommended that the agreement is in writing and binding for all parties.

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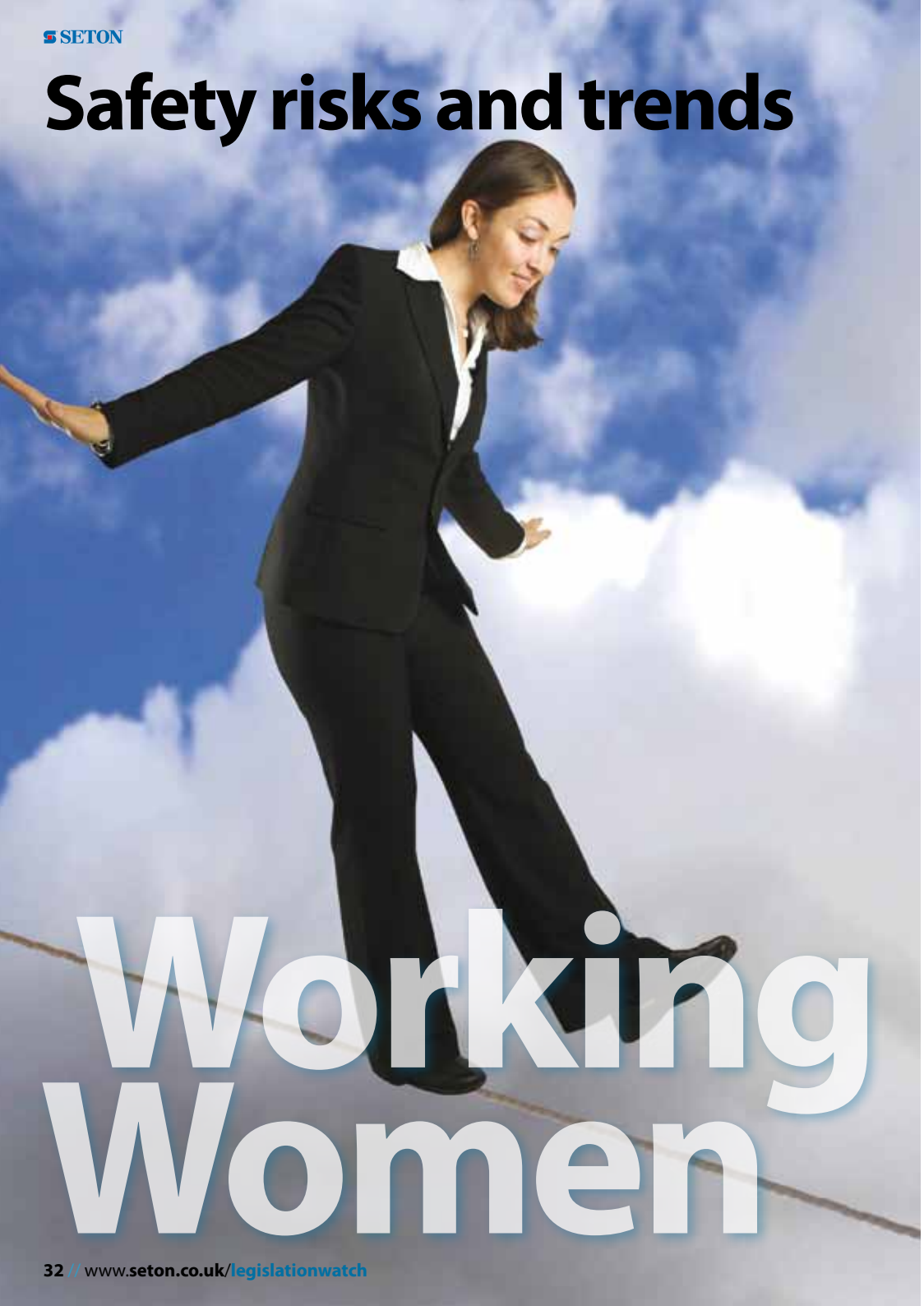
Safety risks and trends



Working Women

For centuries the health and safety of women in the workplace has been treated as a special case. The old Factories Acts specified and limited hours of work for women. There were special measures for women in a number of industries, eg; those involving exposure to lead.

Today, restrictions on the hours that women may work have been abolished, but specific measures are still in place to protect women. The Management of Health and Safety at Work Regulations 1999, for example, require the risks to new and expectant mothers to be taken into account. The Manual Handling Operations Regulations 1992 recognise that there is, in general, a different risk to men and women when carrying loads.
In today's world, women in the workplace face many new challenges which in turn mean that the risks to women's health and safety are changing. This has been recognised by the European Agency for Safety and Health at Work (EU-OSHA), which has published the results of research considering new risks and the trends in the health and safety of women.

The study

The EU-OSHA report was based on a literature review and updates a 2003 research project which found that inequality, both within and outside the workplace, can have an effect on the health and safety of women at work.
The aims of the new review were to:

- Provide a statistical overview of the trends in the employment and integration of women in the labour market, and to explore how they impact on the occupational safety and health (OSH) of women
- Identify and highlight the main issues and trends in employment characteristics, working conditions, hazard exposure and work-related accidents and health problems for women at work, and to explore more in-depth issues, such as combined exposures, informal work and the rehabilitation of women into work
- Identify emerging issues for OSH research and the prevention of occupational diseases and accidents affecting women at work.

While the report highlights some differences between the Member States of the EU, its findings are important for all organisations and should be a catalyst for further action to protect women in the workplace.

Women in the workplace

More than half the workforce within the EU is made up of women and the EU-OSHA report found that they are concentrated in a number of sectors. The jobs that women perform are not always linked to their educational attainment but rather their age and origin. It was found that younger women showed a preference for work in hospitality and retail and older women in healthcare and education.
Many women combine a career with family commitments, including childcare. As a consequence, many of the jobs women take up are part-time or casual and sometimes informal.

Musculoskeletal disorders - an increasing health problem

Women are increasingly affected by musculoskeletal disorders (MSDs). The lifting of heavy loads or people is a particular problem for women, especially for those working in the healthcare and care sectors. Other MSDs were found to be linked to prolonged standing, sitting and static postures, such as for much office work. Repetitive strain injuries are a frequent problem for women performing monotonous and repetitive work.
Women have a different physiology to men. They are on average smaller and have less strength. These factors can mean that some manual tasks are more difficult and more risky for women than for men and can lead to injuries and disease.

Mental health problems - an emerging issue

Across the EU there is a trend among women of increasing absenteeism and early retirement due to mental health problems, particularly in relation to stress and depression.
One of the key factors involved in this trend may be that more women than men act as the main carer for their children and they may care for other dependant relatives as well. Such commitments can affect physical and emotional health, as well as adding financial pressures. Working days are often long and fatigue can be an issue.
The risk of violence at work in some sectors can add to stress and psychological effects. Women reported higher levels of unwanted sexual attention, threats, humiliating behaviour, sexual harassment and bullying than men. Healthcare and public administration are the prime sectors for threats of violence and actual violence but other occupations have also seen an increase.

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SETON

Dangerous substances - largely unexplored

The EU-OSHA review found that exposure of women to dangerous substances remains underassessed. Women are increasingly exposed to potentially harmful substances such as infectious materials and body fluids, particularly in healthcare and laboratory work. Those working in hairdressing and dry cleaning face exposure to carcinogens. There can be exposure to a variety of chemicals in industries such as food manufacturing, leather and textiles. There are important physiological differences between men and women concerning exposure to hazardous substances in terms of chemical uptake and metabolisation. On average, women have smaller body dimensions than men, which means that there is smaller surface area for chemical exposure through the skin. However, despite this difference, women have a relatively higher blood flow and this can increase the rate at which hazardous substances are circulated through the body; women's renal clearance is also slower than that of men.

Organisational factors can also sometimes lead to disease. For example, prolonged night shift work has been linked to increased risk of breast cancer. Further, because women are often part-time they can miss out on training and access to preventive services.

Conclusions

Women are different to men. They have a different physiology, which can affect the way they react to exposure to workplace risks, including manual tasks and exposure to hazardous substances. They face a greater risk of harassment, including sexual harassment and bullying, than men.

They also tend to be responsible for child and family care and, for those women who also take on paid work, maintaining a good work-life balance can be problematic; this can lead to fatigue, stress and, increasingly, mental health issues. Many women choose jobs and careers that fit their family role and often take on part-time or casual work which can sometimes mean less rewarding work, limitations on personal development and career progression and potentially less access to training and OHS workplace measures.

Women face other pressures in the form of sex discrimination, which is a worldwide problem. In Australia, a Human Rights Commission study recently found that almost 50% of mothers said they experienced discrimination in the workplace during pregnancy, parental leave or when they returned to work. Clearly, there are human resources issues to consider as well so organisations may need to introduce more "family friendly" policies which may, in turn, improve the safety and health of women.

The EU-OSHA report should be a wake-up call for all organisations to carefully consider the health and safety of women in their care and to put into place the measures needed to protect them.

No time for ostriches:

COMPLIANCE AND RISK REGISTERS

It is easy to have your head in the sand over compliance. Here we explain some of the questions an organisation should be asking itself when considering building a risk register.

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Compliance is a very broad term and while this short feature will focus on health and safety, the general principles apply to all manner of legal and regulatory processes of which an organisation needs to be aware.

Of course, there is one business philosophy of saying "it has never happened to us". Surely, that is simply playing with fire - literally and metaphorically. There are many things a business can do that minimise risk without necessarily going to the expense or - to that great enemy of businesses, particularly SMEs - time being spent on non-productive activities such as preparing risk or compliance registers. The time spent on minimising risk will always be far less than the time spent trying to control or resolve an unwanted and unplanned event.

The big picture

Risk, in simple terms, is the effect of uncertainty; typically unplanned or simply unwanted events. For any owner/manager of an SME, writing down a list of things that keeps them awake at night is one good start.

This may sound trite, but consider things like the loss of a major customer, the loss of premises eg; due to fire or flood, or simply a legal dispute with the landlord. Death or illness of one of the owners or principals of the business or even a key employee may be another thing worth considering. It is always worth stepping back for a moment and asking the question: if a principal or key employee suddenly left, how easy would it be to replace their experience immediately?

An important aspect of understanding risk is accepting that risk exists.

Confidence is part of the entrepreneurial spirit, yet over-confidence or ignoring reality can destroy what has been already been achieved. That is why risk and compliance is important to an SME; in reality, obedience to law and regulation is only one part of the equation.

Compliance can also refer to matters such as Companies Act and taxation requirements, as well as HR-related matters such as employee rights. These are areas where professional advisors need to be consulted on a regular basis even if the business prefers to manage issues itself. However, it is always worth writing down the risk of something not being filed in time, or a legal requirement being breached.

No more elfs

Obtain accurate information about health and safety risks pertaining to your business. Listening to popular scare stories, sometimes referred to as "elf and safety", which are often misinformed or exaggerated, is not the best way to understand your own health and safety risks. In other instances, they represent organisations that use spurious health and safety concerns as a reason for justifying an unpopular decision or policies.

Instead, write down what you see as the obvious and health and safety risks of your business. Some will be generic to everyone, eg; risks to principals and staff while travelling on business at home or abroad. In the same way, an office-based business will, typically, have a lower risk of fire than a factory-based business. However, at this stage just write down the risks without considering the probability of something unwanted and unplanned actually occurring.

If you are not sure what health and safety risks there are in your organisation then there are many sources of information. Croner is one of them. Also, there are often trade and industry associations who give information about health and safety requirements. Sometimes you need to be a member to access information and sometimes web-based advice is freely available. It is always worth looking at more than one source of information to test your own understanding and get different viewpoints on what applies to your business.

The Health and Safety Executive has a comprehensive website that is freely available and, for business sectors such as food preparation, some local authorities will give general guidance as part of their enforcement function. A number of home-based food businesses, eg; involving the production of cakes, pickles or jams for commercial sale, have benefited from the guidance of food safety inspectors. Remember that contact with enforcement organisations is not necessarily a negative process; with the right approach - and this is the key point - both auditors and inspectors can explain and guide, as well as wave a big stick.

Do not forget occupational health. For some businesses that use solvents or where noise levels is an issue, there may be less obvious health issues such as stress or driving that also need to be considered.

The register

External sources of information and your health and safety risk assessments (including fire risk assessments) will help you understand the probability of something happening. However, never lose sight of the risks that concern you and any other owners of the business. You will be more driven to do the right thing, legally, if it seems the right for you and your other stakeholders.

There are many standard formats that you can use for a register. Some that you find in the public domain, through web searches, may be too detailed for your organisation and you will also notice there are different approaches even within these.

The key thing, initially, is to come up with your own register, even if it might be incomplete. The register is a springboard to making more enquires and have a better understanding of the risks to your business and the all the stakeholders involved.

If you do decide to seek professional advice on any aspect of compliance or putting together a register, then there are a number of sources as well as consultants; these include trade or professional associations and it is worth enquiring if your insurers might be able to give some advice.

If you decide to use a consultant, then qualifications are only part of the selection process. Verify if the consultant has experience of working with SMEs. Also, health and safety specific experience in your sector can be very important.

Conclusion

A compliance register is not a panacea - it will not magically minimise or remove risks. However, it is a starting point to understanding what is important to you and your organisation and to ensure that you understand your legal and regulatory obligations. There is no need for anyone to put their head in the sand.

KEEPING HEALTH AND SAFETY RECORDS

Electronically

Health and safety record management should form part of an organisation's everyday activities but is often a job that is neglected. Will an electronic record-keeping system reduce the burden and save vital time?
Beverly Coleman investigates.

From the minutes of safety committee meetings and details of an accident sustained at work through to compliance documentation, record keeping is an intrinsic part of the management of health and safety. Although record keeping can often be burdensome and complex, the benefits of a good system of record keeping outweigh the disadvantages of not having one.
As we increasingly move towards digitised ways of working, more and more businesses are adopting new ways of keeping and maintaining records; notably using electronic systems. Electronic records are documents created by means of electronic equipment, eg; using software packages such as Word and Excel, via email, electronic calendar systems and databases. Just as with hard, paper copies they must be composed and maintained so that they are easy to understand and are retrievable when required.

Why records need to be kept

There are a number of reasons why record keeping is an essential part of good health and safety management.
To maintain legal compliance, a variety of documents are required to be kept, eg; accident and incident reports. As a minimum, details of all workplace injuries must be recorded in the Accident Book (Form B1510), as required by the Social Security (Claims and Payments) Regulations 1979 and kept for at least three years from the date of an entry.
In the event of more serious accidents and injuries, there are reporting requirements under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. Accident records can also be called upon as evidence against prosecutions or claims for compensation.
Additionally, requirements extend to the need to keep risk assessments on file under most modern health and safety legislation. The general duty to carry out risk assessments is documented in regulation 3 of the Management of Health and Safety at Work Regulations 1999 and specific legislations also cite the need for risk assessment, eg; the Control of Substances Hazardous to Health Regulations 2012, the Provision and Use of Work Equipment Regulations 1998 and the Regulatory Reform (Fire Safety) Order 2005.
Statutory requirements also dictate the length of time records should be kept. One specific example of this is health records and health surveillance records: under the Control of Asbestos Regulations 2012, health surveillance records must be kept for 40 years.

CONTINUED... ▸▸

Keeping health and safety records electronically

The range of documents to be stored electronically may vary from one organisation to another and is also dependent on level of risk - legal duty is more extensive for high risk industries. What are the pros and cons of keeping information stored electronically?

Benefits

- Improved compliance: systems can alert users when documents are due for renewal
- Improved staff efficiency: cuts out the time wasted in searching for information
- Better audits: documents can be found and accessed with ease. Record entries can be traced by time, date, named creator or editor
- Ease of organisation: records can be stored alphabetically, chronologically or by compliance area
- Ease of retrieval: documents can be located from a number of sites and devices, at any time
- Trend analysis: some systems give the opportunity to run reports and look at trends.
- Reduction of hardcopy records: more space saved in buildings and savings in off-site archiving costs.

Drawbacks

- Price: the implementation and maintenance of a records system can be costly
- Training: staff must be trained in how to use the system and must also receive refresher training when systems are updated: there are obvious costs attached to this
- Security: information can be compromised and privacy can be breached, eg; if your network is hacked
- Obsolescence: technological advances can mean that a system may become obsolete quickly
- Superusers: problems ensue when only one or a small group of individuals know how to retrieve data and this knowledge is lost when they leave an organisation
- Downtime: the system may be interrupted by downtime of servers or the corruption of IT systems.

Implementing an electronic recording system

Implementing the right electronic document and records management system (EDRMS) will require research, testing and due diligence before it can be launched and integrated into an organisation.

Before implementing the EDRMS, it is important to first understand what you want out of the system, how it will benefit your organisation and improve upon your current system of record keeping. Most organisations will also be interested in whether the system will provide value for money. To identify the most practical approach for managing your organisation's records you need to fully understand your in-house activities and processes. One size does not fit all and it will prove counterproductive to implement a system that has not been designed for your organisation's specific needs.

A good starting point would be to identify how staff currently collate, share and store information. Researching and implementing a new system must be a project that involves the entire workforce, from senior management who ultimately make the decision on what system to go with, to ground-level staff, who will be inputting data into the system and maintaining it.

Record maintenance

Once data has been input and uploaded onto a new system it then needs to be maintained in a manner that makes it easily retrievable, legible and accessible - for as long as is required. Where records need to be kept for a number of years to satisfy legal compliance, they must be stored in a secure environment. Adopting a format that allows for conversion or migration to updated systems will prevent the risk of data becoming inaccessible and outdated in the future.

It is advisable to compose a digital/electronic record management policy to document how records should be stored and maintained and for this policy and its accompanying procedures to be reviewed periodically, to mitigate the risk of loss of accurate and useful data.

Data protection

Record management systems need to meet the requirements set out under the Public Records Act 1958, the Data Protection Act 1998 and the Freedom of Information Act 2000.

Legislation requires an organisation to store and process records in a particular fashion and there are key obligations placed on an organisation regarding confidentiality, security and data sharing.

With the rise of mobile working and the need for information on the go, more and more people are using smartphones and tablets to access electronic data and in-house records. Such devices present added concerns when it comes to the security of electronic data - they can be lost, misplaced, stolen and hacked into. Data can be protected in a variety of ways to ensure that all formats: desktop or virtual cloud-based systems, an online or data management system or information accessible on hand-held devices can be password protected and files can be encrypted to prevent making them easily accessible, should systems be compromised.

Evidential weight and legal admissibility

If an organisation operates within a statutory or regulatory framework, it may be required to demonstrate that an electronic record has evidential weight and can be accepted as evidence in court. The British Standard Code of Practice BIP 0008-1:2008 Evidential Weight and Legal Admissibility of Information Stored Electronically provides guidance on this matter.

Ultimately, where electronic documents and scanned images are reproduced they should accurately reflect the contents of the original. This once more reiterates the importance of implementing a quality, fit for purpose system.

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Young Workers

SAFETY CHECKLIST

Company	
Area	Date

Management	YES	NO	N/A	Comments/Action Recommended
Have relevant risk assessments been carried out?	☐	☐	☐	
Have risk assessments been carried out of the undertaking, prior to the employment of a Young Person in this capacity?	☐	☐	☐	
Has a pre-employment medical examination of, or pre-employment medical questionnaire been completed by the Young Person?	☐	☐	☐	
Is the undertaking within the Young Person's physical or psychological capacity?	☐	☐	☐	
Is the Young Person safe from harmful exposure to toxic or carcinogenic agents, or agents which in any other way chronically affects human health?	☐	☐	☐	
Is the Young Person safe from harmful exposure to radiation?	☐	☐	☐	
Is the Young Person safe from risk of accident which may reasonably be assumed cannot be avoided due to the Persons insufficient attention to safety or lack of experience or training?	☐	☐	☐	
Is the Young Person safe from risk to health from extreme cold or heat, noise or vibration?	☐	☐	☐	
Is any required manual handling within the physical capabilities of the Young Person?	☐	☐	☐	
Are adequate aids made available to assist in manual handling?	☐	☐	☐	
Is suitable and sufficient training and supervision given prior to, or during the work activity?	☐	☐	☐	
Is the Young Person aware that she/he should inform their supervisor/manager of any verbal or physical abuse they are subjected to immediately?	☐	☐	☐	
Are machines used by the Young Person adequately guarded, particularly the dangerous parts?	☐	☐	☐	
Are safety rules relating to flammable liquids explained to Young Persons prior to them working around them?	☐	☐	☐	
Are general safety rules for hazardous liquids explained and also specific details of gases in use, prior to them being used by any Young Persons?	☐	☐	☐	
Are Young Persons adequately trained and supervised by a competent person when carrying out demolition or dismantling activities?	☐	☐	☐	
Is a Young Person's knowledge or previous experiences in working with electricity determined prior to them commencing work of this nature?	☐	☐	☐	
If the Young person has no knowledge or previous experience in electrical work, is she/he adequately supervised?	☐	☐	☐	
Are all Young Persons given adequate daily rest breaks, in line with above definitions?	☐	☐	☐	

Q&A's

Avoiding accidents in stairwells

Q. **A review of accident statistics for our properties has indicated a number of accidents and near misses on stairwells. I have been asked to review and develop appropriate measures to reduce the number of incidents. Could you outline the measures we can take?**

A. Stairway falls are usually caused by a combination of different factors, including stair maintenance, the wider environment, the type of person involved and their behaviour. As such, any programme to reduce the incident rate should therefore concentrate control measures in these areas. The housekeeping of the stairs in a building is important. Treads must be kept clean and free from obstructions. If any spillages occur, employees must be encouraged to report these immediately or take action themselves to clear up the spill.

Stairs should be regularly inspected for wear and tear as part of the overall management system. In particular, look out for nosings (the edge of the step, which protrudes slightly over the step beneath) that have come away from the step edging, and fraying carpets that could pose a trip hazard. Handrails and balustrades should also be inspected regularly to make sure they are in good repair, firmly fixed and structurally sound.

Carpets or flooring with dazzling patterns should be avoided as these may disguise the edge of stair treads and encourage a foot to be misplaced. Contrast should be used on the edge of the stair tread to increase its visibility and definition. In places where carpet is used and is exposed to heavy traffic, it may be a good option to install nosings with slip resistance over the step edges.

The nosings should be flush with the rest of the tread and not stand proud, which would reduce the effective contact area for the shoes. Where nosings are installed, they should be of a colour and luminance that contrasts with the remaining step. This will provide the user with a clear visual indication of the tread edge. If steps are to be highlighted using colour contrast, the first and last steps should certainly be highlighted and, where single steps occur, these should also be highlighted.

A common intervention that many employers use is to install anti-slip tape to tread edges. This tape can be effective if installed appropriately. The tape should be installed on the very edge of the tread where the nosing shape is square. Where the nosing is rounded, the slip-resistant material must continue at least to the vertical front face of rounded nosings. It should be noted that strips might move with use and subsequently become a trip hazard. Also, anti-slip strips will wear smooth over time and so should be regularly inspected and replaced when necessary.

Safety on stairs can be improved by ensuring good lighting, whether by artificial or natural means. Do not use lighting that results in glare over stair treads.

Any visual cue that may distract people's attention away from a staircase could be dangerous. A distracting view, or artwork on stairwell walls, should therefore be avoided if possible.

Q&A's

Hearing protection and 'real world'

Q. **I am purchasing some hearing protection for employees. A member of staff has told me I must take into account "real world" use when selecting such equipment. What is this and should I be considering it?**

A. Under regulation 7 of the Control of Noise at Work Regulations 2005, the employer has obligations to provide hearing protection (dependent upon exposure levels) to employees.

The regulations require that hearing protection is selected to eliminate the risk to hearing, or reduce the risk to the lowest level reasonably practicable and that the selection process takes account of consultation with employees or their representatives.

As with any item of personal protective equipment, hearing protection aims to prevent exposure to a hazard rather than reduce or eliminate the hazard itself. As such, the selection of the most appropriate hearing protection is essential so as to provide the most effective protection.

Among other factors, the employer should consider the type/s of protector and its suitability for the work being carried out, level of noise reduction (attenuation) offered by the protector and compatibility with other safety equipment.

Guidance contained in the Approved Code of Practice to the regulations makes reference to "real world" protection. The guidance states that "it is very likely that under conditions of real use, hearing protectors will give lower protection than predicted by manufacturers' data which is obtained from standardised tests". Real world protection is affected by factors such as poor fit of the protectors and the wearing of spectacles or other personal protective equipment.

As such, the guidance suggests that employers should account for this by "de-rating" the protector levels provided by the manufacturer by 4dB that is, assume that the attenuation level at the ear when hearing protection is worn will be 4dB higher than predicted using attenuation prediction methods detail in the Approved Code of Practice.

The guidance states that the 4dB de-rating "is regarded as an appropriate factor to bridge the gap between manufacturers' data and real-world factors, without introducing further complexity to the prediction of hearing protector performance".

It should be noted, however, that de-rating does not apply to the assessment of hearing protector performance against peak noise.

As mentioned, consultation with employees is a key element in the selection process and may help to identify factors that may influence real world use. By working with employees, there will be greater success in selection and use of the most appropriate type of hearing protectors.

News ROUND UP

Could starting work later improve worker health?

New research conducted by scientists at an American university has concluded that there is a link between the time jobs start and the amount of sleep workers get, leading to speculation that worker health could be improved by later start times.

The study, published in the December issue of the journal Sleep, was conducted by researchers at the University of Pennsylvania's Perelman School of Medicine.

Businesses told to stop using health and safety excuse

The HSE has called on businesses to stop blaming "anything and everything" on non-existent health and safety rules. Addressed particularly to firms in the retail and leisure sectors, the call follows research by the University of Exeter, which found that half of all cases put to the HSE's Myth Busters Challenge Panel concerned shops, cafes and leisure centres.

The study analysed over 270 cases submitted by members of the public to the Panel, which was set up to refute inaccurate or excessive decisions made on grounds of health and safety.

Never mind sickies, what about workies?

For each day employees take off sick, they work two more days while ill, according to a study produced by insurance company LV=.

Rather than the popular idea of workers taking the odd "sickie", the study suggests that people are actually scared of taking sick leave, and are more likely to return to work early from sickness, or just to soldier on.

Research reveals employer bias against mental health conditions

A recent survey by the healthcare company Bupa has revealed that bias against staff suffering from mental health conditions is an ongoing problem.

The overwhelming majority (94%) of business leaders admitted there is a prejudice in their organisation towards people with mental health issues.

New Year Honours for health and safety campaigner

A health and safety campaigner whose life was torn apart by a workplace accident has been recognised in the Queen's New Year's Honours list.

Nottinghamshire health and safety campaigner and company director, Jason Anker, was made a Member of the Most Excellent Order of the British Empire (MBE) for the work he has done in the name of occupational safety and health. Jason was paralysed from the waist down at the age of 24 when he fell off a ladder on a construction site some 22 years ago, in 1993.

February 2015

Corporate culpable homicide proposals for Scotland

Proposals to reform the law on culpable homicide in Scotland could see individual company directors face jail terms - including life sentences - for workplace deaths. The Culpable Homicide (Scotland) Bill was launched in the Scottish Parliament on 27 November 2014. The new Bill revives a previous attempt for tougher legislation on corporate culpable homicide first put forward in 2006.

Call for workforce training

The British Chamber of Commerce (BCC) is calling on businesses of all sizes and in all sectors to invest in workforce training as a key driver for economic success and improved productivity performance.

According to the BCC's Training and Skills Workforce Survey, 92% of firms have identified a skills shortage among their workforce in at least one key competency. Leadership and management, planning and organisation, languages, computer literacy, and creativity are identified as the most common skills shortages.

Violence and threats will not be tolerated

We are increasingly used to seeing notices in public workplaces warning that physical or verbal assaults on staff will be treated with zero tolerance but the latest figures suggest that the message is not getting through.

According to Usdaw, in the last 12 months, over 300 frontline retail staff were assaulted every day.

Developing managers to manage health and wellbeing

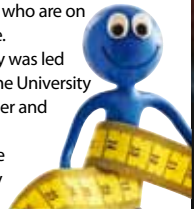
A set of online and digital checklists, aimed at helping managers to develop the skills needed for safeguarding employees' health and wellbeing, has been published by a group of health and safety stakeholders.

The new guidance, Developing Managers to Manage Sustainable Employee Engagement, Health and Wellbeing, gives employers advice and information on manager development, based on rigorous research that draws together evidence from a range of sources. View at http://www.cipd.co.uk/hr-resources/research/developing-managers.aspx.

Shift work linked to obesity and weight gain

A new scientific research study has concluded that working the night shift increases the risk of weight gain and obesity, because shift workers' bodies are likely to burn less energy during a 24-hour period than those who are on a normal schedule.

The research study was led by academics at the University of Colorado Boulder and published in the Proceedings of the National Academy of Sciences.



Employers urged to help save lives

It is estimated that up to 95% of crashes are due to driver error, and at least a quarter of road deaths and serious injuries involve a vehicle being driven for work.

A joint report produced by the road safety charity Brake and the Licence Bureau finds that many companies with staff who drive for work have no practice procedures in place to protect cyclists and pedestrians and appeal to employers to ensure that drivers understand their responsibility to protect vulnerable road users.

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