

# LegislationWATCH

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

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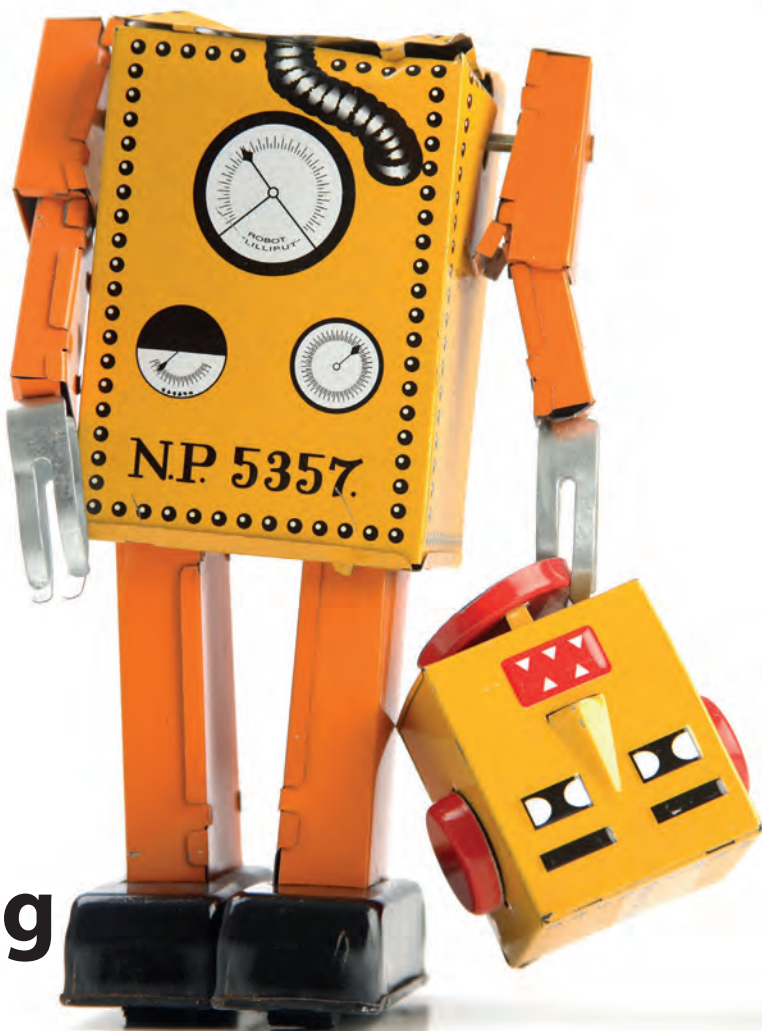
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Lockout and tagout (LOTO) processes are vital in some sectors for life safety and for protecting investments made in machinery and other equipment.

**SAFETY  
MADE  
EASY**

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# Letter FROM THE EDITOR



In this latest edition of Legislation Watch Magazine, we've covered some of the most common subjects that our customers regularly require advice on. From storing hazardous substances safely, locking out equipment and health and safety in cleaning operations – this issue is packed with advice and best practice information to make compliance easy for you.

We hope our articles cover everything you need to know, however, if you're still unsure then don't forget to take advantage of our FREE Ask the Expert service where our IOSH accredited experts are always on hand to help (see back cover for details).

Our aim is to provide you with the latest legislation updates as well as topical changes within the health and safety industry and you can rest assured all the latest legislation and best practice is included.

Don't forget all this information is available online including PDF checklists, downloadable training tool presentations, legislation updates and the latest news.

Simply go to [www.seton.co.uk/legislationwatch](http://www.seton.co.uk/legislationwatch).

Look out for your next magazine in May!

*Cheryl*

**Cheryl Peacock**  
Editor

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# Legal UPDATE

**Viewed as the biggest change in Health and Safety legislation since the introduction of the 'Health and Safety at Work Act' in 1974.**



## **New Sentencing Guidelines: Surprising Consequences?**

New Sentencing Guidelines have been published aiming to ensure a consistent, fair and proportionate approach to sentencing organisations or individuals convicted of Corporate Manslaughter, Health and Safety and Food Safety and Hygiene offences. Even though there have been no changes to substantive Acts or regulations, this is being viewed as the biggest change in Health and Safety legislation since the introduction of the 'Health and Safety at Work Act' in 1974.

The Guidelines have been produced by the independent Sentencing Council for England and Wales, and came into force in English and Welsh courts on 1st February 2016. For full details the guidelines are available at [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk).

### **Drivers for change**

Health and Safety and Food Safety offences currently attract significantly smaller sentences from courts compared to other legal areas such as Environment and Finance. When Health and Safety prosecutions often deal with fatalities, the lower level of fine made the sentences appear inadequate.

There has also been a lack of comprehensive guidance for the courts, leading to a lack of consistency across the board. The Sentencing Council has covered the full sentencing process and gone even further by providing case studies for various industry and offence type.

### **Bigger fines?**

While it is not anticipated that there will be bigger fines in every case, some offenders can expect to receive significantly higher penalties, particularly large organisations committing serious offences. Furthermore the fines will be brought in line with Environmental and Financial offences, with large companies (those with a turnover in excess of £50 million) facing up to a £10 million fine for fatal Health and Safety offences and up to £20 million if convicted of Corporate Manslaughter. Similar fines will be in place for Food Safety offences.

CONTINUED... ►►



# Legal UPDATE

## Culpability for the offence

The Guidelines follow a process which allows the court to arrive at a consistent, correct penalty. The first part of this is establishing the category of offence, done by establishing the level of Culpability and the Harm category. Culpability levels are:

- **Low** - Minor failing, significant attempts to address the risk.
- **Medium** - Systems in place to reduce risk but not sufficiently implemented or adhered to.
- **High** - Offender fell far short of standards required. Serious and/or systemic failure in the organisation.
- **Very High** - Deliberate breach or flagrant disregard for the law.

Once culpability is decided, the Harm Category must be identified. This is split into two parts: the seriousness of harm risked and the likelihood of the harm arising. Anyone trained in risk assessment will recognise these terms as being part of the assessment process and demonstrate a move towards risk-based sentencing.

The table below illustrates Harm categories:

	SERIOUSNESS OF HARM RISKED		
	Level A	Level B	Level C
	Death Physical/mental impairment requiring care for life Significantly reduced life expectancy	Physical or mental impairment which has substantial long term effect Progressive, permanent or irreversible condition	All other cases not falling into A or B
High likelihood of harm	Harm category 1	Harm category 2	Harm category 3
Medium likelihood of harm	Harm category 2	Harm category 3	Harm category 4
Low likelihood of harm	Harm category 3	Harm category 4	Harm category 4

## Risk-based sentencing

Risk-based sentencing (rather than harm-based in the previous Guidelines) is a major change and brings sentencing in line with the risk management aims of the Health and Safety at Work etc. Act 1974.

To illustrate, imagine that someone falls off a ladder and suffers a minor break to their leg. Under the previous Guidelines a sentence would be imposed that reflects the fact that it was a relatively minor injury. However under the new Guidelines the sentence would be based on the 'seriousness of harm risked' and not the actual injury; because falls from height carry a strong risk of death or permanent disability this example may attract a higher level of fine and/or custodial sentence, particularly if the organisation was shown to be in the High or Very High culpability range.

## Turnover

Penalties will be primarily applied based on the organisation's turnover, not profit (although this may be taken into account in the decision). There are four main categories or organisation:

- Micro (turnover no more than £2m, can be fined up to £450k)
- Small (turnover between £2m and £10m, can be fined up to £1.6m)
- Medium (turnover between £10m and £50m, can be fined up to £4m)
- Large (turnover in excess of £50m, can be fined up to £10m)

Because the Guidelines aim to bring Health and Safety offences in line with Finance and Environmental penalties, we could actually see fines of up to £100m for very large organisations whose turnover 'very greatly' exceeds the threshold for large organisations.

## Aggravating factors

Custodial sentences for individuals of 12 or 18 months will be automatic for certain levels of offence, especially with Harm categories 1 and 2 and High/Very High Culpability. Custody may also be applied for lower harm categories where the court identifies 'aggravating factors' such as:

- Previous convictions
- Whether the offence was committed while on bail
- Cost-cutting at the expense of Health and Safety
- Deliberate concealment of illegal activity
- Breach of court order
- Obstruction of justice
- Poor Health and Safety record
- Falsification of documentation
- Deliberate failure to obtain or comply with licences in order to avoid official scrutiny
- Targeting vulnerable victims

These factors may also influence fines imposed on the organisation.

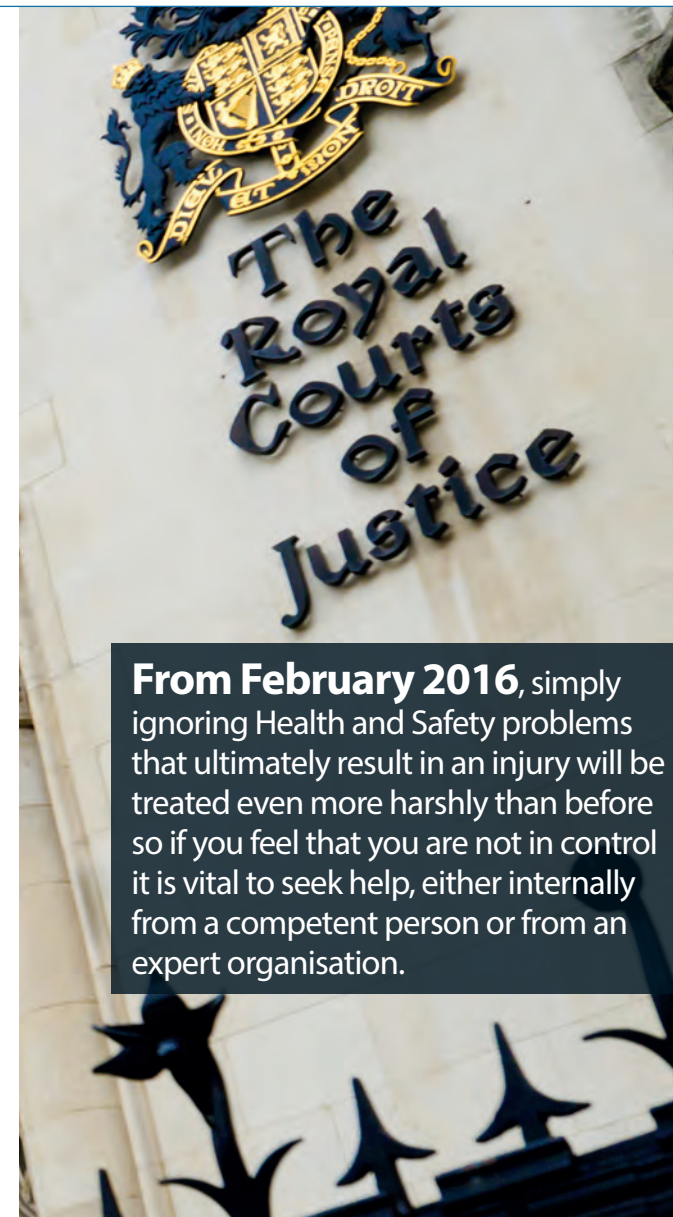
## Minimising the risk

So how can bosses minimise the risks to their organisation and to themselves? As with all business issues, the first thing is to ensure that good standards come from the top. Following the HSE and Institute of Directors guidance document **Leading health and safety at Work** (INDG417 available on the HSE website) will go a long way to dispensing your responsibilities.

You also need to fully understand your Health and Safety and Food Safety risks: auditing and other checks by a competent person are essential. Making sure that you have a suitable and sufficient management system is important but what may be even more so is making sure that it is being properly utilised.

The overall Health and Safety culture of the organisation will be examined in the case of a Corporate Manslaughter prosecution so evidence of good practice such as consultation with employees, proactive risk assessment, identifying accident trends and keeping your documentation up to date will help. The Health and Safety Policy Statement (also known as a 'Statement of Intent') and Roles and Responsibilities allocated to the management team are important to demonstrate top-level buy-in but you should ensure that any commitments made in the documents are being followed through otherwise they could be used against you.

From February 2016, simply ignoring Health and Safety problems that ultimately result in an injury will be treated even more harshly than before so if you feel that you are not in control it is vital to seek help, either internally from a competent person or from an expert organisation.



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**AED**  
AUTOMATIC  
EXTERNAL  
DEFIBRILLATOR

CAMPAIGN FOR

# Defibrillators in schools

A group of firefighters have launched a campaign for pupils and school staff to be protected by the potentially life-saving use of automated external defibrillators (AEDs) in schools.

The firefighters at Lee Green fire station in London were inspired to start the Sweet Heart campaign for defibrillators after **national statistics showed that 270 children die each year from cardiac arrest at schools in the UK.**

The Sweet Heart campaign, supported by The Firefighter Foundation, is now aiming to increase awareness of the life-saving benefits of defibrillators and advise schools on how they can raise funds to buy one and access training to use them. Commenting on the issue, Kevin Quinn, Watch Manager at Lee Green fire station, said, "All of London Fire Brigade's fire engines are equipped with defibrillators so we see first-hand what a difference they can make." He added, "Currently there is no legal

requirement for defibrillators to be kept in schools but if they are used within the first few minutes of a cardiac arrest they can give people a 70% chance of survival. There is no question that the number of deaths from cardiac arrest could be dramatically reduced if all schools were defibrillator protected and that is what we want to see."

## Training staff to use defibrillators in the school

If you are thinking about installing an AED

in your premises you need to know your responsibilities and liabilities in relation to the training of employees in the use of an AED. AEDs are sophisticated, reliable, safe, computerised devices that are designed to be used by lay people, with the machine itself guiding the operator through the process of dealing with cardiac arrest by way of verbal instructions and visual prompts. Many organisations are now installing AEDs, although under the Health and

Safety (First Aid) Regulations 1981 they are not a legal requirement. Guidance to the regulations contained in L74, states that "where an employer decides to provide a defibrillator in the workplace, those who may need to use it should be trained". Typically, those trained to use an AED will be first aid trained employees with L74 suggesting that "training can provide additional knowledge and skills and may promote greater confidence in the use of a defibrillator". However, the Resuscitation Council (UK) highlight the fact that the crucial factor in resuscitation is to provide a shock from an AED "with the minimum of delay" and that AEDs have been used successfully by untrained persons. So the Council states that "it is the view of the Resuscitation Council (UK) that the use of AEDs should not be restricted to trained personnel and that it is inappropriate to display notices to the effect that only trained personnel should use the devices, or to restrict their use in other ways".

Although the Council does accept that there are advantages to having a core of appropriately trained employees, it believes any restrictions that act as a deterrent to the use of an AED "are against the interests of the victims of cardiac arrest". In respect of the school's and/or individual's duty of care, where untrained employees use an AED, to be held liable it would have to be shown that the intervention had left the victim in a worse situation than if there had been no intervention. As the Resuscitation Council (UK) states, "it is difficult, in the circumstances under consideration, to see how a rescuer's intervention could leave someone worse off since, in the case of cardiopulmonary arrest, a victim would, without immediate resuscitation, certainly die". In addition, modern AEDs will not allow a shock to be given unless it is actually needed and therefore are extremely unlikely to harm either the person who has collapsed, or the operator.

Provide critical first aid treatment until medical services arrive...

Seton recommends:



CardiAid Defibrillator +  
Servicare Package Style No. FAD0117



Defibrillator Sign Style No. FA002A4RP





# ISO 9001:2015: New Challenges and New Opportunities

ISO 9001:2015 on quality management systems has now been published by the International Standards Organisation. Alan Field looks at the changes that will soon be in place.

ISO 9001:2015 *Quality Management Systems* (the Standard) has not been significantly updated for 15 years — the current 2008 version of ISO 9001 only required some small, specific changes to requirements from the 2000 version. This means that there will need to be some management attention to what the Standard will entail, bearing mind that full transition to the new requirements will need to be completed — by those who currently hold ISO 9001:2008 — within three years of the publication date of the Standard itself.

September 2018 may sound like a long time away but, as we will see, some organisations will need to do both planning and implementation work to achieve transition and its benefits of which, potentially, there will be many.

## What are the changes?

One thing that has not changed is that ISO 9001 is a process-based management system based on a Plan-Do-Check-Act (PDCA) cycle, sometimes referred to as the Deming Cycle (after its first proponent, the American management guru, W Edwards Deming).

Also, many of the clauses in the Standard sound familiar to those in the 2008 version, e.g. design and development and management review to mention just a few, although careful reading will show there are some changes among these.

However, the two biggest changes are

- The PDCA system needs to be risk based
- The level of leadership involvement required to achieve ongoing certification to ISO 9001.

There are other smaller changes to the Standard, but understanding what these two areas require can assist organisations in planning how other more specific matters can be put into place.

Implementing these changes can also provide opportunities for improvement for the organisation — this can be a driver in itself and provides a focus away from just meeting the requirements of the new Standard.

## What is risk?

The Standard follows the requirements of Annex SL, an International Standards Organisation (ISO) document which all assessable Standards — such as ISO 14001 and ISO 27001 — now follow. (Of course, not all ISO Standards can be subject to third party assessment.)

One of the tenets of Annex SL is that process based management systems should be directed by a “risk and opportunities” based approach. With this, the leadership of the organisation decides the key risks and opportunities to the management system concerned — in the case of ISO 9001:2015 this is still in respect of quality management systems (QMS).

Before we define risk, it is worth remembering that one significant change to the Standard is that the documented management system (now referred to as “documented information”) needs to support the risks and opportunities defined by the leadership team. This means that it is not only the quality objectives (as currently defined by ISO 9001:2008) that will need to be re-defined in terms of risk and opportunities. Rather, it seems, the whole of the documented information will need to support the risk based approach to process management. It is also interesting to speculate whether the third party assessment bodies will start to want to assess work instructions and procedures again, just as was required prior to the 2000 version of the Standard.

Risk is defined by ISO as “the effect of uncertainty”. This is a broad and simple definition of risk. It will probably be seen as an advantage by many organisations

as it is not too prescriptive and can be defined to embrace both sector and specific organisational needs. Leadership teams can define the key risks to them and, like the current quality objectives, can be reviewed and amended any time they wish.

The opportunities are the positive outcome of uncertainty, i.e. risk does not necessarily imply only negative outcomes. At this early stage, “opportunities” are probably going to be interpreted in ways such as unplanned, significant increases in the order book or broader changes in sector regulation — both scenarios putting pressure on an individual organisation’s processes and available resources to meet customer demands. In other words, how would the QMS respond to this?

The way that leadership teams define risk and opportunities will be influenced by many things. For some organisations it will be very straightforward; risk based management systems already exist. However, some leadership teams would not see quality and risk in the same way as they would see safety and risk or finance and risk. Some may even need consultancy advice in the way their particular organisation should align risk, opportunities and QMS.

One practical approach would be to look at the organisation’s risk register (if there is one) and then adapt or cull those that relate to the QMS. Typically, a corporate risk register may have many risks defined; however, for the purposes of the Standard, there should never be more risk and opportunities based objectives than can be readily monitored and measured. If anything, the new Standard will require an even wider appreciation of monitoring and measuring the QMS, e.g. there is a new requirement that the QMS understands the needs and expectations of interested parties.

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Also, in the new Standard the requirement for preventive action contained in ISO 9001:2008 no longer exists — the risk based approach to management should take into account the potential for non-conformities that could arise and the leadership team needs to take this into account when defining risk based quality objectives.

The two key factors to consider are that the risk defined must also include at least an element of opportunity — positive as well as negative risk and, secondly, the risks must not stray too far (if at all) from the QMS.

#### Leadership and commitment

ISO 9001:2008 talks about senior management, and the 2015 Standard requires “leadership and commitment”. One pointer to what this means is that there is no longer a requirement for a management representative (who is often the quality manager). This does not mean all quality managers will vanish — rather it indicates that senior management will be directly accountable for the QMS.

How this requirement will be assessed by the third party assessment bodies remains to be seen. We know that defining risk, opportunities and interested parties will fall within leadership responsibilities.

Also, the way in which the management review meetings (already required by ISO 9001:2008) will become more dynamic in many organisations — simply because leadership has more involvement with setting policies, parameters and goals for the QMS.

The word leadership does not necessarily mean simply the most senior manager. This is why we have used the term “leadership team” throughout this article. In other words, leadership can comprise all or part of the senior management team. This spreads the strategic resources available, in particular to ensure the QMS is integrated into the organisation’s business processes.

This spread of strategic resource can also help ensure commitment to the QMS is achieved by all staff and contractors and, possibly, wider interested parties.

#### Conclusion

As with all new Standards, there will be a learning curve for third party assessment bodies as well as their clients and regulators. Also, the consultancy community will have slightly different views and approaches until something of an understanding is reached as to how concepts such as “risk”, “leadership” and “interested parties” are to be interpreted. Arguably, trying to achieve the minimum level of compliance to a Standard does not achieve the optimum level of benefit from the new Standard but, of course, in certain sectors — such as facilities management — the amount of implementation will be dictated by contractual requirements and budgetary limitations.

In short, organisations need to be looking at their policy and expectations of the Standard at an early opportunity, even if they should decide to delay assessment to a later date.



# Tagging along

## ... the importance of lockout and tagout procedures

Lockout and tagout (LOTO) processes are vital in some sectors for life safety and for protecting investments made in machinery and other equipment.



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LOTO is often seen as a rather technical process — something that, incorrectly, can be seen as part of risk assessment simply to be followed up afterwards as an operational control.

There are successful prosecutions arising from LOTO: for example, *HSE v BW Riddle* (2014) in December 2014, where the defendant received a £70,000 fine plus costs for an incident involving an inadequately isolated conveyor belt that led to an employee being injured. This is just one case involving LOTO.

In other words, LOTO is not something to be left just to the experts, especially as there may be different national standards and indeed, different technical opinions as to the best way to apply LOTO.

### What is LOTO?

Lockout and tagout is a system or protocol for isolating energy sources before the inspection and maintenance of equipment. In short, it can prevent accidents and prevent unplanned damage to machinery and the processes it supports.

Depending on the circumstances, LOTO prevents operation of such equipment whilst it is under repair, out of commission or where it is only for use for certain groups or shifts. It can also be used to isolate the energy sources to, for example, a piece of machinery without any physical safety risk that could be involved in isolating the machine itself. In other words, following on from these processes, LOTO then prevents the accidental use of such equipment or unauthorised staff from operating it.

LOTO can encourage wider safe operating procedures; because LOTO will require a clearly defined protocol, staged from shutdown through to maintenance, this can encourage a review of the safe systems of work present at each stage of the LOTO process.

In terms of isolating energy sources, LOTO can have wider applications than just isolating electricity — it can be used in any part of industrial process, e.g. isolating feedstock into a process. This can include the so called “hot processes” often found in the petrochemicals sector, involving liquids and gases under pressure.

Similarly, LOTO can be adapted for more research-based scenarios where risk assessments may include concerns about novel processes or uncertain outcomes or simply where the veracity of experiments need to be established. LOTO can help provide this by ensuring a restricted number of authorised personnel can have access to key equipment and devices producing such results.

A recommended staged LOTO process is as follows:

- Prepare for shutdown
- Inform employees
- Turn off equipment
- Isolate energy sources
- Perform maintenance
- Test all circuits
- Test the equipment controls
- Lock off switches.

Of course, this may need to be adapted to individual circumstances, but it shows the importance of a safety process, effective communication, competence and awareness of all energy and feedstock sources are vital. These have wider safety benefits than just LOTO.

Where electrical isolation is used as one of the main tasks of LOTO, there needs to be careful checking of all energy sources. This may sound obvious, but circuit diagrams and other understandings make not always be fully correct, especially in older business premises — and LOTO can only fully isolate or inform when these sources are fully understood.

The same principle applies with second hand machinery or machinery designed for operation outside the UK — the use of energy sources and safety by design needs to be fully understood in accordance with UK practice before applying LOTO principles.

### The only control?

LOTO may not be the only control to prevent access to equipment that is undergoing maintenance. Some machinery is devised not to operate when certain key components are immobilised or isolated during maintenance; equally, as the majority of machinery and devices have an element of computer control within them and so a “fail safe” is programmed within to respond to any identified malfunction. On a larger scale processes, there may be supervisory control and data acquisition (SCADA) systems which have similar functions and additionally will deploy early warning and real-time process information that makes the accidental deployment of isolated equipment more unlikely.

As with all controls, including safety by design and SCADA-type systems, it is important to understand what the limitations, rather than focusing on what the control will do. For example, tag off is often used with SCADA systems to record safety status on individual values or control panels.

### Types of LOTO equipment

In broad terms, LOTO kits falls into the following broad categories.

- **Conventional lock boxes and bags.** These can be used to store safety critical

equipment at site level with access only to authorised persons — in remote locations this may include storage of the LOTO equipment. Locking such equipment away minimises the risk of it being used by unauthorised personnel who have not, perhaps, properly isolated the equipment

- **Lockout devices.** These can actually isolate (or otherwise) the machine or feedstock. Examples include electrical lock out, value lock outs, cable lock out and cylinder lock outs. They can be designed for the specific machine concerned or be more generic, and specialist advice needs to be taken in selection

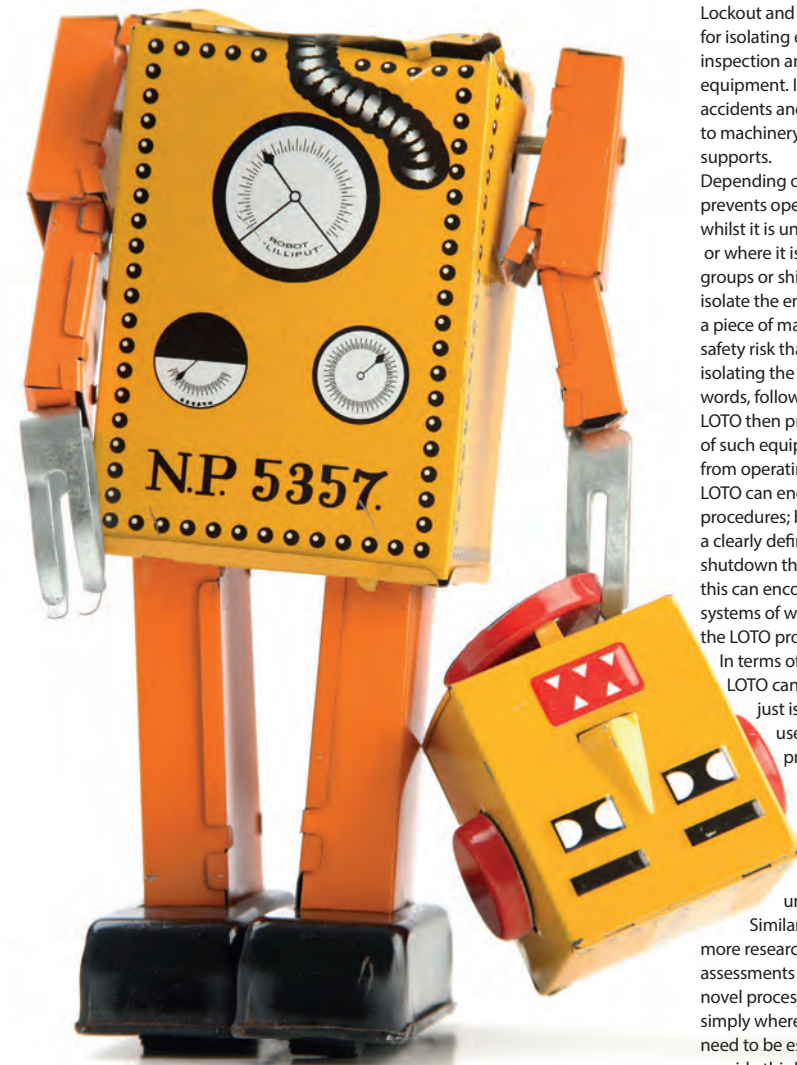
- **Padlocks, hasps and ties.** In addition to specific lock out devices, padlocks, hasps and ties can be used in a number of LOTO scenarios, often with accompanying tags, but please note that there are many different configurations and applications

- **Tags and signs.** These provide information to employees and record key facts such as when the lock out took and by whom. Again, these can be colour-coded especially where there is more one lock out authority, i.e. different staff doing their own maintenance regimes on the machine concerned.

### Conclusion

In almost every application involving machinery and large devices, LOTO needs be considered. Sometimes it is the only solution to maintain compliance and promote safe working. As with many aspects of operational controls, safe systems

of work should never be assumed. Implementing LOTO procedures may highlight other areas of improvement within the safety process. Specialist advice will often be indicated to ensure that the most appropriate LOTO devices are employed for the task in hand.



For our full range of Lockout and Tagout solutions, visit [seton.co.uk](http://seton.co.uk)



Lockout/Tagout Storage Bag  
Style No. LOTO5



Adjustable Gate Valve Lockout  
Style No. PAV27



Safety Lockout Hasps  
Style No. SL60



Lockout Safety Tags  
Style No. LOT7



# Training TOOLS

## This edition... Lockout Tagout

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.

**Lockout and tagout is a system or protocol for isolating energy sources before the inspection and maintenance of equipment. In short, it can prevent accidents and prevent unplanned damage to machinery and the processes it supports. LOTO is often seen as a rather technical process — something that, incorrectly, can be seen as part of risk assessment simply to be followed up afterwards as an operational control.**

### This downloadable presentation covers:

- Legislation
- What is lockout tagout?
- Lockout procedures
- Creating a lockout program
- Awareness within your organisation
- Lockout equipment
- Recommended staged LOTO process
- .... and much more!

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## FREE Training Tool Slides!

Download our useful presentation on the importance of lockout and tagout procedures [www.seton.co.uk/lo-to-training-tool](http://www.seton.co.uk/lo-to-training-tool)



## THE 3-IN-1 LOCKOUT/TAGOUT SOLUTION

**Implement & maintain your lockout/tagout programme - fast & secure.**

Rely on Brady for the complete 3in1 lockout/tagout solution, including machine-specific procedure writing, LINK™360 Safety Management Software and a vast offer of professional LoTo devices.

LINK360



SERVICES



LOTO



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# Waste Matters

## How can those responsible for waste in an organisation ensure they are fully complying with the EU's Waste Framework Directive?

Managing the levels of waste that your organisation is producing and then arranging disposal has become a major challenge. According to figures compiled by WRAP, the waste reduction and resource efficiency organisation, around 600 million tonnes of products and materials enter the UK economy each year, with only 115 million tonnes of this being recycled.

The UK hospitality sector (hotels, pubs, restaurants and quick service restaurants) could save £724 million a year by tackling food waste. And by pursuing opportunities for reuse, the UK could reduce its reliance on raw materials by as much as 20% by 2020.

The Environmental Protection (Duty of Care) Regulations 1991 (and subsequent amendment of 2003) compels organisations to understand the quantities and types of waste they are producing. Managers must now pay even closer attention to the waste their businesses or organisations are producing. A greater understanding of the types of waste being produced will lead to a more streamlined and economic disposal. This is the core principle behind the waste hierarchy. This five-step plan aims to tackle waste initially at its source, then through a series of well-defined steps to ensure that any waste produced is disposed of with the minimum impact on the environment. The waste hierarchy includes these core steps.

- Prevention. Using less material in design and manufacture, keeping products for longer, reuse, using less hazardous materials
- Preparing for reuse. Checking, cleaning, repairing, refurbishing, whole items or spare parts

- Recycling. Turning waste into a new substance or product includes composting if it meets quality protocols.
  - Other recovery. Includes anaerobic digestion, incineration with energy recovery, gasification and pyrolysis, which produce energy (fuels, heat and power) and materials from waste, some backfilling
  - Disposal. Means any operation, which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy.
- WRAP states: "Waste disposal has the greatest impact on the environment and typically is the least cost-effective waste management solution for your company. Therefore, by moving up the hierarchy you could save money, raw materials, water and energy, improve your image and reduce your impact on the environment." Waste managers now need a more complex approach in dealing with the management of the waste they have, with an appreciation of how waste is initially created — which is a core component of the Waste Directive Framework — to reducing the amount of waste that has to be disposed of, and importantly understanding how a robust waste management process is beneficial to their companies as well as the environment.

A good example of how practical action can allow a company to meet the requirements set out in the Waste Directive Framework and how impact on the environment can be reduced, is Airedale Chemical's "Zero to Landfill" campaign. The initiative is the brainchild of health and safety advisor Karen Waddington.

"When carrying out my health and safety analysis across the site, I could see we had a few gaps in our recycling procedures," said Karen. "Card and polybags were being recycled, however everything else was being sent to a landfill so I researched alternative methods."

Airedale Chemical has partnered with Bradford recycling firm BW Recycling Ltd to collect baled waste and take it for recycling. For every bale of waste, the company receives a recycling rebate from BW Recycling. Karen continued: "As well as helping the environment, recycling all of our waste also brings financial benefits to Airedale Chemical. Baling our waste means we can receive an increase of 40% rebate on one tonne of recycled waste as opposed to non-baled packaging. "In less than a month, we have been able to recycle two tonnes of waste and I expect to recoup the cost of the baling machine we purchased within 10 months. With such a return on investment, we can continue growing our green initiative."

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# STORAGE OF HAZARDOUS SUBSTANCES: The Risks

## Your waste future

As the Waste Framework Directive clearly defines types of waste and how businesses and organisations should approach their management of waste, environment managers need to build into their existing waste management processes an ambition to move as much of the waste they do produce up the hierarchy to reduce the levels of waste actually produced.

The type of organisation or business you are managing will of course impact on how successfully you can become at meeting the challenges of the waste hierarchy, with 100% prevention being a goal that may be impossible to meet with current manufacturing, packaging and disposal methods. However, environment

managers should strive to move to more recovery and recycling of their waste where possible. In its report into how to apply the waste hierarchy, Defra concludes: "The decisions you are legally obliged to make to follow this waste hierarchy include identifying the best waste management approach for the specific waste your business generates. In addition to the environmental impacts of these decisions, you will also need to consider technical feasibility, economic viability and environmental protection." It may be helpful to look at the following questions in turn and to discuss them when you negotiate waste management contracts.

1. What does the waste you create or handle consist of?
2. How can you prevent any of this waste?
3. Can the waste be prepared for reuse, can it be recycled or can any other value be recovered?
4. How can you or your waste contractor(s) help you to elevate your waste on the waste hierarchy scale?

Defra research shows UK businesses can save up to £23bn through low-cost or no-cost improvements in the efficient use of resources. How waste is managed is now an important economic as well as environmental consideration all waste managers need to place at the top of their agendas.

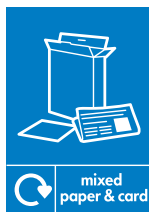
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There are a vast number of dangerous substances and products containing dangerous substances used in the workplace, varying in type, hazard, severity and the conditions under which they present a risk. The risk presented by substances is dependent on the substance itself and the quantity stored.

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The precautions required to achieve a reasonable standard of control will vary but must take into account the properties of the substance to be stored. Different substances create very different risks because of their hazards. Storage conditions will require consideration of the physical and chemical properties, together with the health effects of the substances concerned.

## Gases

Gas cylinders, because of their potential for danger, present specific problems. Harm can be caused by:

- Explosion of the cylinder, particularly in fires
- Impacts causing violent release of compressed gas
- The release of the gas, which may:
  - o cause fire if the gas is flammable
  - o be asphyxiating if the release is into a confined space
  - o be toxic, e.g. carbon monoxide
  - o be corrosive, e.g. chlorine
- Injury caused by badly stored cylinders falling.

Gas cylinders should be stored:

- In a dry, safe place on a flat surface in the open air, or, if this cannot be done, in an adequately ventilated building or part of a building solely reserved for the purpose
- Away from external heat sources
- Away from sources of ignition and other flammable materials
- Securely, to prevent cylinders falling or being knocked over
- Away from vehicles such as fork-lift trucks.

Gas cylinders should also be clearly marked to show the contents and the hazards associated with their contents.

The valve must be shut to stop contaminants entering. Gas cylinders should never be stored standing or lying in water.

## Incompatibles

The possibility of interactions between different substances, especially those which are incompatible, creating hazards must be considered.

Examples of incompatibles include:

- Acids which react with hypochlorites to generate chlorine gas
- Acids which react with cyanides to generate hydrogen cyanide gas
- Acids which react with alkalis to generate heat

- Acids which react with sulphides to generate hydrogen sulphide
  - Nitric acid, which will react explosively with alcohol and other organic materials
  - Oxidising agents, which should not be stored with organic materials.
- The SDS of a substance should provide information on substances it is incompatible with. Incompatible substances should not be stored together and it is good practice to segregate acids from other substances.

## Highly flammable liquids and gases

The storage of highly flammable liquids and gases should be carried out in a manner that:

- Minimises the risk of a fire or explosion occurring
- Avoids or minimises the potential risk of a spillage or release and mitigate the consequences of such incidents.

Highly flammable gases, liquids or liquefied gases should be stored in closed tanks, cylinders or containers constructed to an appropriate national or international standard. The storage area should be:

- Adequately separated from site boundaries, occupied buildings, process areas, fixed sources of ignition and other dangerous substances
- Be well ventilated to ensure that any such gases or vapours given off from a spill, leak or release are rapidly dispersed. Preferably, storage areas in the open air and if it is within a building, it should have adequate natural or mechanical ventilation
- Have adequate security arrangements to prevent any unauthorised access to dangerous substances and their associated storage equipment.

The contents of tanks, vessels and containers, should be clearly identified to make users or anyone who comes into contact with them aware of their contents and hazards. Cupboards, compounds and storerooms should also be clearly identified.

Dispensing or decanting should not be carried out in a storage area where they would create a risk of fire involving the stored materials.

The quantity of any highly flammable substance present within process vessels, pipelines, pumps, plant and any other associated equipment should be as small as is reasonably practicable.

## Oil

The most common form of water pollution is pollution by oil. It is an offence to pollute water in the environment with oil.

The requirements for the storage of oil in containers which carry more than 200 litres are set out in the Control of Pollution (Oil Storage) (England) Regulations 2001. These regulations, which do not apply to waste oil or oil stored in a building or wholly underground, require:

- Secondary containment, a bund:
  - o with a capacity of not less than 110% of the container's storage capacity
  - o positioned to minimise any risk of damage by impact, e.g. by fork-lift trucks
  - o with its base and walls impermeable to water and oil
  - o without its base and walls penetrated by any valve, pipe or other opening used for draining the system
  - o with the base or walls, where they are penetrated by any fill pipe, or draw off pipe, adequately sealed to prevent oil escaping from the system
- Any valve, filter, sight gauge, vent pipe, etc. to be situated within the secondary containment system
- Fill pipes, not within the secondary containment system, to have a drip tray to catch any oil spilled when the container is being filled with oil.

The regulations also include requirements for the storage of oil in fixed tanks, both above ground and underground, which include particular requirements for ensuring that fill, draw-off and overflow pipes are not damaged, and that the tanks are fitted with automatic overfill protection devices.

## Storing large quantities of substances

The risk from the storage of dangerous substances is dependent on the amount of dangerous substance present. The following factors should be considered.

- Storage buildings and outdoor storage compounds for dangerous substances are subject to controls under building legislation. In England and Wales, Approved Document B under the Building Regulations 2010 set out standards for fire resistance and compartment size for industrial or storage buildings.

- Storage buildings and outdoor storage compounds for dangerous substances are subject to controls under planning legislation. The Planning (Hazardous Substances) Regulations 1992, as amended in 2009 and 2010, and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993, as amended in 2009, apply to facilities where controlled hazardous substances are stored in quantities above a specified minimum.
- In premises where certain dangerous substances are present above specified thresholds, the Control of Major Accident Hazards Regulations 2015 (COMAH), require operators to take measures to prevent major accidents. The steps include the storage of the dangerous substances.
- If the COMAH Regulations apply, the risk assessment has to be very detailed, and cover storage facilities.

## Emergencies

Procedures for dealing with emergencies related to the hazardous substances being stored need to be developed. Consideration needs to be given to the range of possible events, including:

- Fire
- Explosion
- Releases, e.g. leakages or spillages.

The following factors must also be taken into account.

- The nature and quantities of the dangerous substances stored
- The location and design of the storage facility
- The people, both on and off the site, who may be affected.

Safe systems of work for dealing with spillages and leakages should be put in place and will depend on the nature of the substance involved.

SDSs will give details of any specific action to be taken for dealing with spillages.

These need to be available for all the substances stored on site.

## Training

Employers must provide adequate information, instruction and training to employees on the:

- Risks presented by the substances to be stored
- Procedures for safe storage of hazardous substances
- Procedures for fires involving stored hazardous substances
- Procedures for spillages, leakages and other releases of hazardous substances
- Procedures for other incidents involving the release of stored materials.



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# The National Living Wage

## Implications for recruitment

The idea of a set wage to give employees a guaranteed amount of money in return for their labours is by no means a new idea. The Trades Board Act 1909 aimed to set minimum wages for specific industries. It was not until the National Minimum Wage Act 1998 that this country saw a set over-arching minimum wage for everyone. Now, 17 years on, the current Government has taken this a step further with the introduction of the National Living Wage (NLW), which is already felt by some to be casting a shadow on the economics of the country.

The National Minimum Wage (NMW) is currently set at £6.70 an hour for adult workers who are aged 21 or older (the level is set at £5.30 for younger adults). Employers have a legal duty to comply with this minimum, although not a legal duty to offer a minimum number of hours. Additionally, some employers choose to pay their workers a level higher than this. The Living Wage Foundation, an independent charity, sets a recommended living wage level each year and accredits employers that elect to comply with this. Since 2011, more than 1300 employers have been accredited in this way. The Living Wage Foundation recommended wage is set at £7.85 an hour, and £9.15 an hour for people working in London. The NLW, announced by the Chancellor of the Exchequer in July 2015, will be phased in gradually between 2016 and 2020, with the target of reaching 60% of median UK earnings by the end of the phasing in process, estimated to mean a living wage of around £9 an hour. Penalties will be put in place for employers not complying with the terms of the NLW, with up to 200% of the arrears to be paid in fines where the NLW has not been paid. The maximum penalty will be £20,000 for each employee.

While the complete impact of the introduction of the NLW will not be rolled out for a matter of years, the immediate impact will be when the NLW for adults aged over 25 is introduced in April 2016. This will be set at £7.20 an hour initially,

65p less than the Living Wage Foundation level and 50p more than the NMW for that age group.

The anticipated positive impacts of a minimum living wage are well documented. The Living Wage Foundation divides the benefits into three categories — business, families and societies. The benefits for business they report as being reduced absenteeism, enhanced quality of work from staff, and a significant impact on recruitment and retention and reduced turnover of contractors. Additionally, the Living Wage Foundation reports that employees are happier and thus more willing to accept change: they report that “50% of employees felt that the Living Wage had made them more willing to implement changes in their working practices; enabled them to require fewer concessions to effect change; and made them more likely to adopt changes more quickly.”

In terms of the benefits to families, the Living Wage Foundation finds that the NLW affords people the opportunity to provide for their families and, in terms of society, the Living Wage Foundation believes that the adoption of a living wage can help to tackle poverty in society more generally. The Government view, at the time of the announcement, was similarly straightforwardly positive. The Department for Business, Innovation and Skills talked of the benefits of the NLW as follows: “Britain deserves a pay rise and the Government is making sure it gets one... the independent OBR expects the National

Living Wage to give a direct boost in wages for 2.7 million low-wage workers, with up to 6 million seeing their pay rise as the knock-on effects are felt higher up the earnings scale.”

However, the voices that seem to be shouting loudest in the media at the moment are not those looking forward to reaping the benefits of the NLW, but those who are complaining of the negative effect on the economy and individual sections thereof. It is being reported that some of these negative impacts are already occurring, even though the actual introduction of the NLW will not even begin until next year.

Many employers and other stakeholders are already predicting doom and gloom as a result of the anticipated hike in their wage bills when they need to bring their hourly pay rates up to the new level. One of the areas of concern is the impact a bigger wage bill might have on prices. Greggs, the chain of bakery stores, has said that price rises may result from the wage increases, although it already reportedly pays its workers a level above the NMW — £7.11. A spokesperson for the company said that wage rises will increase inflationary pressure. Similarly, Whitbread (which incorporates Costa Coffee and Premier Inn) has reportedly not ruled out price increases for its products as it seeks ways of offsetting the costs of funding the NLW within its company. As an arguably more positive approach to mitigating the extra costs, the company has also said it

is looking at the possibility of investing in training and other resources in an effort to increase the productivity of its workforce. The Mears group, as another example, has reportedly warned that it is facing a choice of passing on the higher costs of its care workers to local authorities or facing a significant fall in profit. The wider impact of price hikes could be inflation.

The other significant area of concern is employment, with some commentators predicting job losses as employers attempt to make ends meet under the NLW.

The Office for Budget Responsibility, an independent fiscal watchdog, has estimated that the introduction of the NLW could lead to 60,000 job losses. On a wider scale, they predict a reduction in GDP over the next few years.

Some of these impacts may already be here, it has been warned. A survey of 2101 employers by Manpower has found that fears of the impact of the NLW are already having a very real impact. Its report finds that optimism in terms of recruitment is at its lowest level for three years and that Christmas recruitment has not been as low since 2012. They put the blame for at least part of this firmly on the introduction of the NLW, as taking on new staff now means an increased wage bill come April and beyond.

The full effects of the NLW, both positive and negative, will not be known for some time. Paying people more money, on the face of it is largely straightforward — employees will have more money in their pockets, employers will have higher costs.

However, the picture is going to be very much more complicated. For example, will the employee age structure be slanted as employers take on younger workers who are below the NLW threshold? Will employers turn to zero-hours and part-time contracts to reduce the number of hours paid for at the higher rate? It will be interesting to see how things unfold over the next few years.





# Guide to protective clothing

## What type of body protection is needed?

There are two main types of protective clothing — clothing to protect the body and clothing to protect the whole person. The main types of clothing used for body protection include:

- Protection against cold, such as quilted, insulated jackets and full-body suits
- Protection against wet weather, such as jackets, trousers and leggings
- Protection against heat, e.g. special flame retardant clothing for welding and foundries
- Protection against chemicals, including:
  - overalls and laboratory coats made out of cotton or synthetic materials for low-risk substances
  - coats, overalls and aprons made out of neoprene or coated nylon for strong solvents and oils
  - chemical suits for protection against high-risk substances, which completely enclose the person wearing them
  - vapour suits for protection against hazardous vapours
  - splash-resistant suits which may be made of limited use fabrics
- Protection against chainsaws that covers the most vulnerable parts of the body (e.g. the fronts of the legs)
- Chain-mail clothing for butchery (e.g. aprons).

The two main types of clothing worn to protect the whole person are:

- High-visibility clothing, which is fluorescent so that people can be seen easily
- Life jackets or buoyancy aids for people at risk of drowning because they are working on or near water.

## Selecting suitable body protection

As well as providing adequate protection for the wearer, protective clothing must fit and be comfortable. For waterproof clothing, breathable material is usually more comfortable for people who have to wear it for long periods, as it allows perspiration to escape. Layers of thin clothing may be more effective and comfortable for protection against the cold than bulky, thick coats. Users should be involved in the selection process and attention must be given to the correct sizing. Employers must ensure that protective clothing meets all relevant European Standards for manufacture and protection (items complying carry the CE mark).

## Protection from Chemicals and Hazardous Substances

- **Low-risk chemicals:** use clothing, coveralls and laboratory coats made from chemical resistant materials such as uncoated cotton or synthetics like Terylene or nylon with a water-repellent finish.

- **Strong solvents, oils and greases:** heavier quality coats, overalls and aprons should be used that are made from neoprene or polyurethane-coated nylon, Terylene or rubber.
- **High strength chemicals:** totally encapsulating chemical suits should be used which are either vapour-proof or liquid splash-proof and are fed with breathable air.
- **Hazardous vapours:** vapour suits are made from PVC, butyl, viton or Teflon.
- **Hazardous chemical splashes:** splash-resistant chemical suits use PVC, viton, butyl, or limited use materials like saran-coated Tyvek and barricade fabrics. These will have shorter lives than vapour suits.
- **Dusts and fibres:** man-made mineral fibres, asbestos and harmful dusts and particles can be protected from using coveralls and suits made from bonded olefin that forms a dense shield and has impermeable seams.

## Thermal and weather protection

- **Wet weather protection:** PVC coated nylon or cotton jackets, trousers and leggings will protect against rain. They resist cracking, tearing and abrasions. They will also resist most oils, greases, chemicals and acids. Some coated materials are breathable, so allow perspiration to escape while not allowing water in. Waxed cotton will also protect against the rain.

- **Cold weather and cold conditions:** thermal protection suits rated to minus 25°C and minus 50°C are available. Quilted and insulated vests (body-warmers) and coats offer limited protection in cold weather, refrigerated stores and freezers.
- **High temperature protection:**
  - **foundries:** aluminium asbestos clothing made from dust-suppressed materials will resist high temperatures. The outer skin is aluminium while the lining is cotton
  - **foundries and welding:** flame retarding clothing is mainly made from cotton or woollen materials. Aprons are made from chrome leather

- **steel smelting, foundries and rolling mills:** heat-resistant metal-splash protection is available to protect from splashes of up to 1600°C
- **welding and burning:** cotton or polyester cotton overalls are available with flame-retarding finishes to protect against flames and sparks.

## High-visibility clothing

Where a risk assessment shows that a person may be at risk of being struck by vehicles or other moving machinery due to low-light conditions, bad weather or poor visibility, high visibility clothing should be worn. High visibility clothing is made from PVC material impregnated with fluorescent pigments that reflect light when shone onto it. The base materials of high visibility clothing are yellow or orange, with silver reflective tape on the body and sleeves of the garments.



The Department of Transport Traffic Signs Manual requires all personnel on or near carriageways to wear high visibility garments complying with BS EN 471:2003+A1: 2007 *High-visibility Warning Clothing for Professional Use. Test Methods and Requirements*.

## Is the body protection compatible with the work to be done?

Some types of body protection will restrict movement and may make jobs harder to carry out. For example, full body suits are inevitably going to affect how the people wearing them move as well as their ability to work.

Some other kinds of PPE can be combined with body protection. For example, full body suits will have to include some form of breathing apparatus. Jackets to keep people warm and dry can incorporate high-visibility clothing.

## Body protection: storage and maintenance

Most clothing, unless it becomes contaminated during use, only requires simple storage facilities, e.g. pegs and lockers.

Any clothing will need to be washed regularly. If it is contaminated with hazardous substances, it should be sent to a specialist cleaner and must never be taken home for cleaning.

All protective clothing should be regularly checked and kept in good condition. Other types of body protection will need more rigorous inspections and tests. For example, chemical suits should be inspected every three months, even if not in use, as they have a limited life span. They should be washed after use and hung to dry, before being stored in cases or hung on hangers. They will need an air test (inflation of the garment) and a thorough examination of all seams. Vapour suits need to be air tested with the manufacturer's test kit and stored in a protective case.

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# Training

## from good to great

Safety, health and environment training is one of the biggest areas of training spend but do we, as customers, get value for money? Whether we use internal or external trainers, how often do we get truly great, rather than merely competent, training? How can we maximise the value we get? **The answer lies in high expectations: we should aim for “great” right from the start.**

What is great as opposed to good training? Well, like great customer service, it is hard to define but easy to recognise, and even more so when it is lacking.

Poor training is reflected in feedback such as:

- Not relevant
- Not sure why I was made to do this
- It did not tell me anything I did not already know
- Boring
- It was death by bullet point.

Feedback from good training sounds like this:

- Knowledgeable presenter — knew what he or she was talking about
- Valuable refresher
- More interesting than I thought it would be
- Kept my attention
- Will help me in my role
- Good content — well-structured, interesting and logical.

Those of us who are trainers would be happy if we always got feedback like this. Actually, we should aim higher because great training goes much further. Characteristics of great training or coaching are as follows.

- It does not just inform; it inspires
  - It is all about how the content is delivered, not just the content itself
  - It is totally involving
  - It changes how people see the world (good training meets their expectations, great training exceeds and resets their expectations)
  - It does not just help people do the job; it transforms how they do their job.
- And then, in addition to the above:
- Managers report a change in attitude and behaviour in team members who undertake training and actively advocate the programme
  - People want to attend because their colleagues have told them how good it is.

### Who is the customer?

Training or coaching at this level is far more likely to meet the needs of the customer. But who is the customer? We need to think about three levels and ask three key questions.

1. The delegates attending — what will they get out of it? Is English their first language and if not, how are we going to manage that?
2. The manager who sent them — what benefit will he or she see?
3. The organisation as a whole — will this training meet its wider needs?

When training migrant workers in health and safety, the language barrier poses enormous problems. The effectiveness of the training will inevitably be compromised by the inability of your workers understand, read and, to a lesser extent, speak English.

Most migrant workers who cannot understand oral instructions will probably not understand written ones, which are necessary for their health and safety. Much information can be obtained in a range of foreign languages that should provide employment and health and safety information for migrant workers, and a number of official websites containing H&S information (such as HSE's site) can also be viewed in translated form.

### Ten top tips

What practical steps can we take to make sure we get at least “good” and ideally “great” training? Here are 10 key tips.

1. Be clear about requirement from the start, and set out the deliverables in writing. It is still the case that many organisations do not define what they want other than in terms as broad as

to be meaningless. Be specific about what the training should achieve and link that in with the three levels of customer (delegate, manager and organisation) as outlined above. Set out the end to be achieved, rather than the means of getting there. The aim is to change things, not run a course.

2. The standard way of doing this is via a needs analysis that defines learning objectives in terms of knowledge, skills and attitudes or behaviour at the end of the course, i.e. what will they know, be able to do, be thinking or doing as a result of taking part? I would go further and specify the “how” and be very demanding of the training presenter or provider (whether internal or external) so that the final package has the right “feel”.
3. Use people who are animated and enthusiastic. More often than not, we focus on knowledge and experience; while these are important, it is the passion of the trainer that is one of the biggest drivers of success. You only need think of examples from your own experience to appreciate this truth.
4. Get the practical details right. Getting confused about where and when the training is taking place will confuse and demotivate participants. Having people wander in halfway through because they thought the training was happening at another site will not help the trainer's motivation or the group dynamic.

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5. Given people's span of attention, no single activity should last for more than 20 minutes, at which there should be a change (do a quiz, group exercise, etc.). So why is it that we still have courses that contain hours of "chalk and talk" presentation? Maintaining people's attention and involvement is key. If they are mentally absent, they might just as well be physically absent. Usually, if they are engaged, they will also say it was worthwhile.
6. Many courses are undertaken, appreciated and forgotten. Why? Because there is no follow up. In order to maximise the benefit of training and the investment in time and cost made, arrange a follow-up session to cement the learning and ensure that it is being applied.
7. Aim for a workshop style, and be ready to abandon PowerPoint. It has been said that PowerPoint is a great tool for producing a bad presentation quickly. It is hard to avoid, especially in safety,

health and environment courses where there is technical content that must be conveyed somehow, but it is all too easy to fall into the trap of slide after slide after slide. Try making a presentation just using photos, with no text at all. Use this to prompt discussion.

8. Examples and stories are very powerful means of communicating. That is why pretty much every TV advertisement (and they cost sums that make your eyes water) creates a setting and a little tale. Stories engage people's attention, they prompt discussion and they are almost impossible to disagree with.
9. Research suggests that most adults respond well to being asked to solve a problem, and in many roles, that is actually what people are paid to do, day to day. Therefore, give them a problem to solve:

"X, Y, Z has happened — you are the team leader, what are you going to do?"

"Imagine you were the shift team leader in the control room just before the Buncefield refinery explosion. What would you do differently in the light of what you know then happened?"

10. At the end of the training, evaluate the attendees; do not only evaluate what the attendees thought, but also what their managers are saying. Do the managers see any difference as a result of the training? How successful was it, and why did the attendees spend all that time and money doing it?

***"If they are mentally absent, they might just as well be physically absent."***

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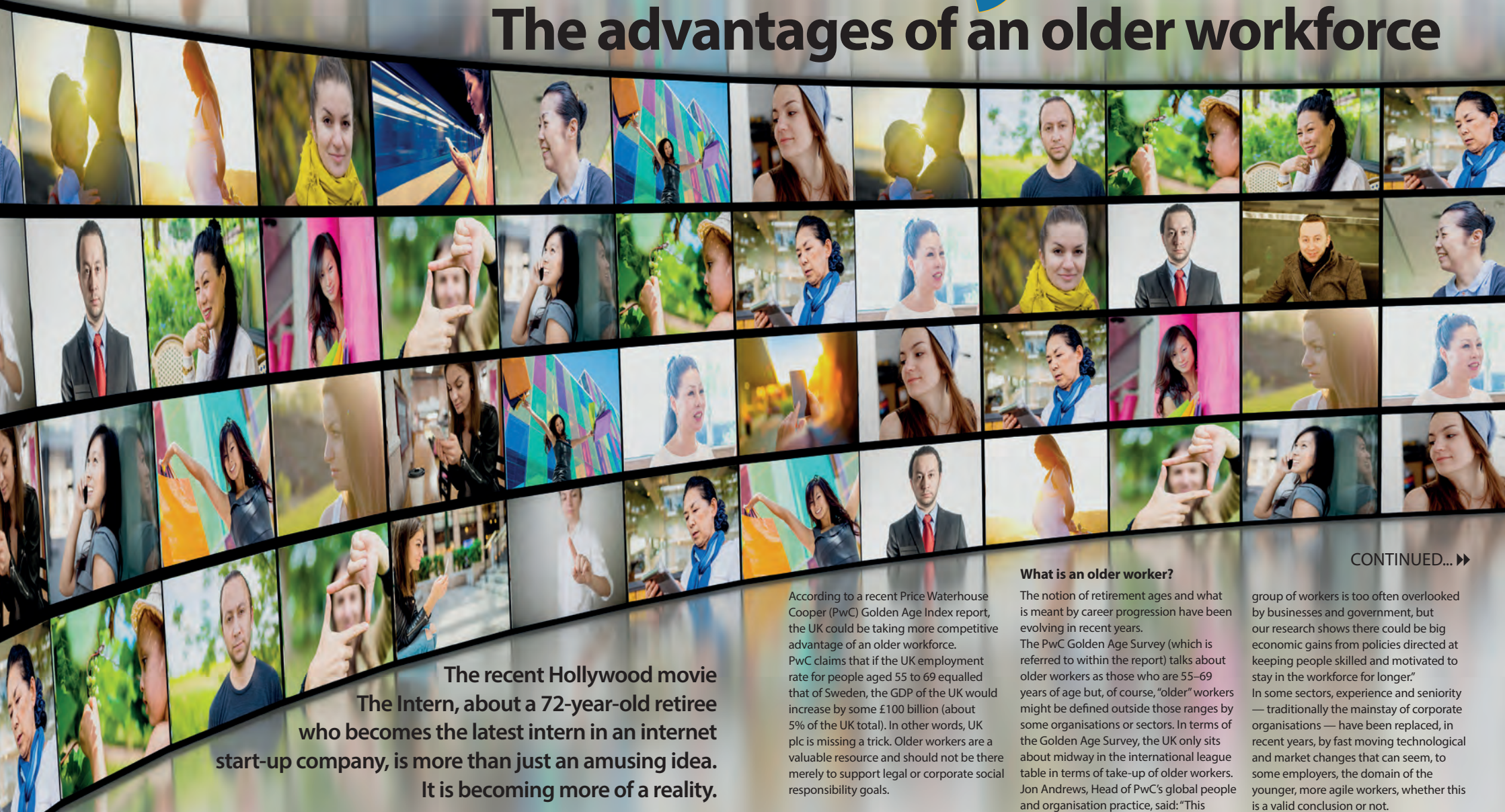
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# Golden years?

## The advantages of an older workforce



The recent Hollywood movie *The Intern*, about a 72-year-old retiree who becomes the latest intern in an internet start-up company, is more than just an amusing idea. It is becoming more of a reality.

According to a recent Price Waterhouse Cooper (PwC) Golden Age Index report, the UK could be taking more competitive advantage of an older workforce. PwC claims that if the UK employment rate for people aged 55 to 69 equalled that of Sweden, the GDP of the UK would increase by some £100 billion (about 5% of the UK total). In other words, UK plc is missing a trick. Older workers are a valuable resource and should not be there merely to support legal or corporate social responsibility goals.

### What is an older worker?

The notion of retirement ages and what is meant by career progression have been evolving in recent years. The PwC Golden Age Survey (which is referred to within the report) talks about older workers as those who are 55–69 years of age but, of course, “older” workers might be defined outside those ranges by some organisations or sectors. In terms of the Golden Age Survey, the UK only sits about midway in the international league table in terms of take-up of older workers. Jon Andrews, Head of PwC’s global people and organisation practice, said: “This

group of workers is too often overlooked by businesses and government, but our research shows there could be big economic gains from policies directed at keeping people skilled and motivated to stay in the workforce for longer.” In some sectors, experience and seniority — traditionally the mainstay of corporate organisations — have been replaced, in recent years, by fast moving technological and market changes that can seem, to some employers, the domain of the younger, more agile workers, whether this is a valid conclusion or not.

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The other change is more fundamental. Traditionally, people had a "job for life", sometimes with a final salary pension, frequently index linked. Any adult children they had would often be in permanent employment with similar benefits. Housing was, for at least some, both suitable and affordable.

This has now changed for many people. Some workers may feel the need to continue working beyond normal retirement age or they may wish to work longer to offer financial support to their children or grandchildren. Also, recessions have led to layoffs and older workers will sometimes find it difficult to find other permanent work.

The changing nature of the workplace also means that some older workers will simply want to do new things, learn new skills and have new challenges. This can be turned into a competitive advantage by any employer, including those in the FM sector.

However, the other driver is simply this. There is an ageing workforce as a result of demographic changes. For example, in the world's biggest economy — the US — the AARP (formerly known as the American Association of Retired Persons) in its April 2015 report *A Business Case for Workers 50+* — *A Look at the Value of Experience* calculated that, by 2022, over 35% of the American workforce will be made up by those who are 50 years of age or older. Back in 2002, the same percentage was 25% — the curve is upwards. This is typical in Western economies and all employers will need to become smarter in the way that older workers are employed and developed to mutual advantage. Some employers, and arguably this could include those providing certain FM functions, might offer cleaning or landscape maintenance roles to older workers because they see them as less ambitious than younger workers and, especially those receiving pensions, more flexible about part-time or zero-hours working.

These are negative assumptions and do not necessarily reflect how an older workforce could be developed to the employer's advantage and, indeed, to support the type of national infrastructure that the FM sector can benefit from in terms of new business.

As John Hawksworth, PwC Chief Economist and co-author of the PwC report, commented: "Given ageing

populations across the developed world, it is critical that countries make better use of their older workers to boost economic output and help fund rising state pension and healthcare bills."

In other words, there are wider business considerations beyond individual workers' expectations.

### What does this mean in practice?

There are two separate but closely connected issues.

1. Ensuring that older workers are retained, which includes making sure there are career paths for the over 50s.

2. Defining the advantages of employing older workers, some of whom may be past normal retirement age (although, as we know, even this concept of a definite date to retire is looser with the abolition of the default retirement age).

Taking the latter example first, Barclays and National Express have apprenticeship schemes for older workers (reported by the Financial Times on 2 June 2015) and, in the retail sector employers — such as B&Q — actively recruit older workers.

Experience, flexibility in working hours and customer care skills may all be areas where older workers have an advantage, depending on the individual and the role. In one sense, all employees should be seen as "ageless", i.e. an individual should be assessed by his or her potential (or current) employer for his or her suitability for a particular role; for some roles, maturity may bring advantages, whereas with others it may be a different balance of criteria. Non-discrimination is, in one sense, being aware of an individual's skills and potential, irrespective of age or other factors.

This brings us back to the first point about retaining older workers. A number of strategies can be used, e.g. providing wider staff consultation and promoting an understanding of why different generational groups interact in the way they do within a workplace; in turn, this can be developed to mutual and competitive advantage. For example, a recent press release from Sodexo explained how its award winning "GenMatch" approach worked. To gain employees' involvement, Sodexo presented them with a specially designed board game. The aim was to help challenge generational stereotypes by getting teams to talk about differences in an informal way. More than 1600 sets of

the game were distributed to around 200 sites, encouraging employees to appreciate Sodexo's diverse workforce and the opportunities and challenges this presents.

The network, which attracted more than 300 members in its first four months, also organised a series of workshops and webinars covering "life stage" matters such as managing childcare and being a carer. Sean Haley, Managing Director of Service Operations for Sodexo UK and Ireland and Executive Sponsor of the generations workstream, said: "The differences between generations can lead to misunderstanding and miscommunication but, in a workplace situation, if we raise awareness of those differences and harness people's individuality, it can have a huge impact on the way we work together and help us perform better as a business."

In other words — and in all organisations — the question of accepting an older workforce is not just something for the board to consider. It is a process of acceptance across all levels of staff.

### Conclusion

Facilities management, dynamic as it is, still has a number of roles where stability and maturity are key elements over and above any desire for career progression. Also, rather like the storyline in *The Intern*, older workers can bring a surprising range of skills from their earlier employment or other life experiences.

In other words, while areas such as legal compliance and corporate social responsibility are important considerations, as the PwC Golden Age Survey shows, there is competitive advantage to be had from taking advantage of an ageing workforce.



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# What's in your First Aid Kit?



There is no longer a mandatory minimum requirement for first aid kit contents. The contents should be determined by a first aid needs assessment, this enables organisations to include different contents for local risks and provide more effective first aid in the workplace.

Employers may wish to refer to the national standard, BS 8599-1:2011 Workplace First Aid Kits. Specification for the Contents of Workplace First Aid Kits for guidance and best practice.



### Kit contents

Typical contents will include:

- Individually-wrapped sterile plasters
- Sterile eye pads
- Individually wrapped triangular bandages, preferably sterile
- Safety pins
- Individually wrapped, sterile, unmedicated wound dressings (large and medium-sized)
- Disposable gloves, preferably latex free or nitrile (synthetic rubber), as latex can cause allergic reactions
- Scissors or shears
- Cleansing wipes
- A contents list (for restocking purposes)
- A first aid leaflet.

Painkillers and other medicines should not be kept in a first aid kit.

### First aid needs assessment and number of kits

How many first aiders or appointed persons are required depends on workplace circumstances. No fixed level is specified in the regulations and each employer must assess what facilities and personnel are appropriate for their needs. Employers may delegate the responsibility for carrying out the assessment to an occupational health service.

The size, number and placement of first aid kits will be determined by the assessment. To help inform the assessment, BS 8599-1:2011 provides guidance of the sizes and number of BS 8599 compliant kits recommended for low and high hazard areas. Boxes should be placed around the premises where they will be needed most and where they can be accessed easily.

### What factors do we need to consider in the first aid needs assessment?

The first consideration will be the categories of hazard identified in the workplace environment. For example, businesses that deal with hazardous substances the safety data sheets may indicate the type of first aid response required for people exposed to the substance.

The remoteness from first aid emergency medical support will be a factor, especially as many local ambulance stations are being closed due to budget cuts. Examining the organisation's history of accidents can be helpful in determining where first aiders should be located and what geographical area they should cover. The needs of employees potentially at

greater risk, such as young workers, trainees and people with certain disabilities, should also be addressed. As a rule, the larger the workforce, the more first-aid provision is needed, but employee numbers should never be the sole basis for determining first-aid needs. Greater risks may exist when fewer people are at work, e.g. during maintenance.

### How often should we replace first aid kit contents?

There is no set period by which first aid kit contents should be replaced, although some items within the box may have an expiry date. For sterile items that have no specific expiry date it is advisable to contact the manufacturer to ask how long they can be kept. Non-sterile items with no expiry date should be fit for purpose and replaced as a matter of judgement.



# Health and safety in cleaning operations

Many cleaning operations involve the use of chemicals and equipment. Managers must ensure that cleaning staff are appropriately trained and that they are familiar with the risks associated with the performance of cleaning tasks in their specific work locations. Risks should be controlled so that cleaners, and any other users of buildings, are kept safe and free from danger of injury.

## Cleaning risk assessments

Health and safety risk assessments are a legal requirement. They should be completed at the planning stage of any cleaning project or job, along with suitable work statements. The risk assessment should aim to identify any risks or hazards that might be involved in the job. Control measures or safe systems of work should then be put in place to reduce or remove unacceptable risks.

The level of detail in a risk assessment should be proportionate to the risk. Many minor hazards identified in a risk assessment will be relatively easily addressed but an assessment of significant hazards, such as those posed by heavy cleaning machinery, will need to be much more detailed.

## Contractors

Contractors must be provided with

comprehensive information on the risks that they may be exposed to while working on the premises, and the measures they need to take to ensure their health and safety and the safety of all others using the building.

## Protection from hazardous substances

The Control of Substances Hazardous to Health Regulations 2002 are intended

to protect individuals from potentially hazardous substances that they may use or come into contact with at work. Cleaning staff should understand that cleaning chemicals may be harmful and can enter the body through:

- Ingestion, i.e. drinking and eating
  - Inhalation of gases, sprays, vapours and dust
  - Absorption through the skin.
- Staff must be trained to:
- Read container labels, noting any hazards, as it is essential that they understand the mixing of certain chemicals is a potentially dangerous practice
  - Use chemicals for their intended purpose only, following safe application procedures

- Use PPE when handling chemicals, e.g. gloves, masks, goggles and overalls
  - Store chemicals in accordance with manufacturers' recommendations.
- Information on the harmful effects of chemicals and the precautions that need to be observed when they are used, stored or transported are detailed in safety data sheets, which suppliers must provide. Safety data sheets should be available to provide details on:
- The proper use of a substance
  - Health risks and fire hazards
  - How to use, transport and store the substance
  - Emergency action and first-aid advice
  - Other information, such as waste disposal.

Wherever cleaning chemicals are being used, other users of the building should be excluded from the area while cleaning is in progress. Cleaning chemicals, cleaning products and potentially dangerous equipment should only be used by appropriately trained individuals under supervision. Cleaning materials, equipment and chemicals should never be left unattended and should be locked away securely after use in dedicated, locked storage areas.

Chemical products most commonly used within the cleaning industry include the following.

- Irritants, such as many multi-purpose cleaners. Although non-corrosive, prolonged contact with the skin should be avoided



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- Harmful substances, such as seal strippers, may involve limited health risks if inhaled or ingested. Contact with the skin should be avoided and PPE, e.g. gloves, goggles and facemasks, should be worn
- Corrosive substances, such as acid descalers can destroy living tissue on contact. Contact with the skin must be avoided and PPE worn
- Toxic substances, such as white disinfectant, may result in acute health risks or death if inhaled, ingested or if it penetrates the skin. Contact with the skin must be avoided, PPE worn, and exhaust ventilation or breathing apparatus used to prevent exposure to dust or vapours.

#### Personal protective equipment

Personal Protective Equipment (PPE) may include uniforms, safety shoes and equipment, such as gloves and goggles. Managers must ensure that adequate PPE is issued to staff, that those staff are trained in its use and are reminded of their responsibilities, including:

- That PPE should only be used at work
- The responsibility to use PPE properly
- The regular inspection of PPE.

#### Safe working practices

Managers must ensure that staff are trained in the use of equipment, e.g. stepladders and powered equipment, such as buffers and floor scrubbers. Staff must be encouraged to adopt safe working

practices, e.g.:

- To use equipment only if they have been trained or instructed in its use
- To lift supplies and equipment properly
- To follow manufacturers' or suppliers' usage guidelines
- Not to tamper with equipment if it is defective
- Not to block fire exits or staircases with equipment or waste
- Not to leave trailing electrical leads on floors
- To use safety warning signs, e.g. to warn individuals about slippery surfaces.

#### Slips, trips and falls

Floor cleaning can create a significant risk of slip and trip accidents, both to cleaning staff and to other users of buildings. For example, smooth floors left damp by a mop are likely to be very slippery until they dry out and trailing wires from a vacuum or buffing machine can present a trip hazard.

Staff must remember that warning signs or access prevention should be used even in the case of spot cleaning after spillages. Just because a damp patch is small does not mean that it does not present a slip danger. Cleaning staff should be urged to only wear appropriate footwear to work. All footwear should have an effective grip and should be in good condition, especially when worn in areas such as kitchens and in dining areas where there may be an additional risk of spillages.

#### Use of containers

Managers may be responsible for the purchase of cleaning materials. Such materials are often supplied in large containers and thereafter decanted into smaller containers for ease-of-use and so dilution systems can be used. If cleaning agents are decanted, managers must ensure that:

- It is safe to do so
- Containers are labelled appropriately
- Chemicals are not placed in unlabelled containers
- Nothing from an unlabelled container is used.

#### Use of powered equipment

Staff must be trained to check and carefully maintain electrical equipment including:

- A visual check to identify obvious damage to the equipment prior to use
- Checking plugs and cables are in good condition, and removing any defective equipment from use
- Ensuring power cables are long enough to reach the workplace
- Ensuring power cables are not strained
- Ensuring adherence to manufacturers' instructions, e.g. when replacing vacuum cleaner bags, scrubbing rings and buffer pads
- Ensuring power leads are replaced in equipment storage facilities
- Ensuring equipment is cleaned after use.

# Ask the expert...

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

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

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

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

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

**What are our H&S obligations to remote workers?**

#### How to 'Ask the expert'

1. Go to [www.seton.co.uk/legislationwatch](http://www.seton.co.uk/legislationwatch)
2. Click on the red 'Ask the expert' tab at top of page
3. Enter your question on the form
4. We will respond via email within 48 hours!

# Cleaning

## CHECKLIST

Company

Area Date

### Items to Check

YES NO N/A

Comments/Action  
Recommended

Are there enough waste bins available and are they made of suitable material?

☐ ☐ ☐

Are bins with lids supplied for kitchen or sanitary waste?

☐ ☐ ☐

Are all waste bins emptied on a daily basis?

☐ ☐ ☐

If any waste is held for recycling, has full consideration been given to minimising any fire risk?

☐ ☐ ☐

Are toilets and washrooms cleaned on a daily basis?

☐ ☐ ☐

Are walls and floors finished or covered in materials that make them easy to clean?

☐ ☐ ☐

Are floors swept or vacuum cleaned at an appropriate frequency?

☐ ☐ ☐

Are staircases and passageways kept clean and free from accumulations of waste?

☐ ☐ ☐

YES NO N/A Comments/Action  
Recommended

Are staircases regularly washed or swept?

☐ ☐ ☐

Is there a programme to ensure that waste does not accumulate in "out of sight" places, eg plant rooms and under stair cupboards?

☐ ☐ ☐

Are there arrangements to clean drains, gutters, etc?

☐ ☐ ☐

Is there a safe system of work for cleaning windows, including the provision of access equipment?

☐ ☐ ☐

Are cleaning materials and equipment (ladders, vacuum cleaners, chemicals, etc) stored in a safe place?

☐ ☐ ☐

Is there a cleaning programme for office equipment such as telephones and VDU screens?

☐ ☐ ☐

Have health and safety risk assessments been completed to cover all cleaning activities and operations?

☐ ☐ ☐

Is cleaning equipment kept in a clean, safe and well maintained manner?

☐ ☐ ☐

Are cleaning staff supplied with suitable personal protective equipment when it is required?

☐ ☐ ☐

Are cleaning chemicals used, stored and disposed of in a manner that is fully compliant with the Control of Substances Hazardous to Health Regulations 2002 (as amended)?

☐ ☐ ☐



# Q&A'S



## Keeping health records

**Q.** As part of our health surveillance system, we wish to ensure that we keep appropriate health records. Are there any specific requirements in relation to the keeping of such records?

**A.** Health records differ to clinical health records in that they do not contain confidential clinical details. As such health records may be kept securely with other confidential personnel records whereas clinical records must be held in confidence by an occupational health professional and can only be released with the written consent of the individual that they relate to. As a general rule, individual health records should be retained for as long as the employee is under health surveillance but it is good practice to retain copies during the whole of the employment period. Some regulations (such as COSHH) require employers to keep health records for at least 40 years. It is also good practice to offer individual employees a copy of their health records when they leave the organisation.

Health records may be kept in any format, (paper or electronically). Where records are kept electronically, employers should ensure that they have a suitable back-up system that allows access to copies of the records in the event of a serious computer system failure. It should also be borne in mind that health records should be kept in accordance with any requirements relating to the Data Protection Act 1998. In particular, employers should inform those on whom records are held that a record is being kept, what the purpose of keeping it is and that they have a right to see the information and correct it if necessary.

# Q&A'S



## Benefits of sit-stand desks

**Q.** Is there any evidence to support the use of sit-stand desks?

**A.** Over the last few years, fighting obesity at work has become something of a mantra. Employers with a duty of care towards their employees are doing more to help them stay fit and lead healthier lives. This level of support is now moving into new areas of office support, including ergonomically designed furniture. Many FMs, approaching their next office upgrade, have been looking closely at the evidence to support the use of the sit-stand desk. There is firm evidence that a sedentary lifestyle can be damaging to health, but can the investment in an innovative desk offer a practical option to help curb the health problems that sitting for long periods can often bring? The British Journal of Sports Medicine published research, The Sedentary Office: a Growing Case for Change Towards Better Health and Productivity, by John P Buckley et al, suggesting that office workers should be standing for at least two hours of their working day in order to remain fit. "For those working in offices, 65-75% of their working hours are spent sitting, of which more than 50% of this is accumulated in prolonged periods of sustained sitting," say the authors. Many FMs, tasked with improving the health and wellbeing of their company's employees, have developed on-site gyms or

initiated cycle to work schemes. For those businesses that have not, a simple change to the furniture in their offices could have a marked positive effect on employee health. Will Bowen, Facilities Manager at ActionAid, told FM World Magazine: "Research we carried out showed our staff were keen to collaborate in areas other than traditional meeting rooms or break-out areas, and also to be able to think on their feet in shorter, focused meetings solving problems around any project. "Additionally, we researched work and campaigns such as Get Britain Standing that also encourage and highlight the health benefits to workers who often spend a lot of their day at a desk. The feedback we have received from staff has been positive and the space is used frequently" Higher levels of productivity have been reported, as well as lower levels of absenteeism, after these desks were installed. As with most changes to an office environment it is important to audit employees before making the change. In addition, offering a choice is often the most effective method of introducing these desks into an office. Over time, FMs will often find that requests for these desks increase once they have been tested by some early adopters.



# News ROUND UP



## National Grid fined after worker gets trapped in gas cloud

One of the UK's largest national gas distributors was fined £1 million and ordered to pay costs of £26,296 after a worker became trapped between two gas pipes after one of them burst. The fire service worked for an hour to rescue the trapped engineer, as the escaping gas created a cloud of dust and debris around the excavation. The fact the worker was wearing breathing apparatus undoubtedly saved his life.



## Lollipop lady banned from waving at cars

A school Lollipop lady has been banned from waving at cars by her bosses after one complaint by a member of the public. 'Lollipop' men and ladies do have a very important job to do in helping manage road safety risks for schoolchildren. They need to pay full care and attention. Potentially misleading and gestures or a loss of attention could have serious consequences.



## UK leads the way on lorry-cyclist safety

A new safety standard, developed by the UK's Department for Transport (DfT), requiring all new lorries to be fitted with improved mirrors in order to ensure the safety of cyclists, is to be introduced across the EU. In 2014, 115 pedal cyclists were killed or seriously injured on British roads in accidents involving at least one heavy goods vehicle (HGV).



## Disabled children banned from playing with toilet roll centres

A trainer specialising in delivery of training for disabled children was told that they can no longer give children toilet roll centres to play with because of health and safety. School science organisations are clear that as long as toilet roll centres and egg boxes look clean, there is no reason why they should not be used.



## Updated information sheets for the plastics industry

The Health and Safety Executive (HSE) has published 13 newly updated information sheets on the subject of controlling health and safety risks within the plastics industry. The publications can be accessed at [www.hse.gov.uk](http://www.hse.gov.uk)

# February 2016

## Environment Agency boss resigns

Chair of the Environment Agency Sir Philip Dilley has resigned following renewed criticism over his decision not to return early from his Barbados home to deal with Britain's flooding crisis this winter.



## Home Office to take over fire and rescue

The Government has confirmed that responsibility for England's fire and rescue policy will move from the Department for Communities and Local Government to the Home Office with immediate effect.

The change is designed to "support a radical transformation of how the police and fire and rescue services work together".



## British workers under strain of work family imbalance

A new report on work and family balance by the Centre for the Modern Family has highlighted the strains workers face in balancing their work and other responsibilities, revealing that typically UK workers spend some 10 hours a day either working or commuting to work — almost three times as long as they spend with their family.



## Star Wars production company face prosecution by the HSE

The HSE has informed Foodles Production (UK) Ltd that it will be prosecuted after actor Harrison Ford was seriously injured when hit by a heavy hydraulic door during the filming of Star Wars: The Force Awakens. Foodles Production (UK) Ltd will appear at High Wycombe Magistrates Court on 12 May 2016 and face four charges.



## Customer asked to leave DIY store after refusal to remove toddler from trolley

A customer was asked to leave a DIY store after refusing to remove their toddler from a coin operated store trolley with no child seat. The HSE panel agreed that the DIY store had taken a responsible approach to the issue. The company's products are typically heavy construction materials and the risk to children riding in trolleys in this environment is a real one.



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