

KEEP IT SAFE

BFFF QUARTERLY HEALTH & SAFETY NEWSLETTER

JANUARY 2015



British Frozen Food Federation

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Please contact BFFF on 01400 283096 if you have any Health & Safety queries or would like to receive additional / back copies of this newsletter.

FOREWORD

UPDATE FROM BFFF TEAM

Welcome to the New Year edition of *Keep It Safe*

In this issue

BFFF have been working hard to produce guidance for the sector. We have published a revised document on 'Working in a cold store environment- Advice for employees' and are working on further advice on 'Working at Height on refrigerated vehicles'. More information on the published guidance and the progress of other guidance is available in the Health & Safety Initiatives section. There is also information on our Primary Authority scheme and a Fire Safety article on E-Cigarettes from our partners at Lincolnshire Fire and Rescue.

This issues' safety focus is on Forklift Supervisor Training, and there is further information on Legislation changes and guidance for the industry.

Expert Group Update

The BFFF Health & Safety Expert group last met on the 24th September. The group is made up of health and safety experts from across the BFFF membership who work in a proactive and open manner to discuss industry level issues for the benefit of the sector.

The group consists of representatives from the BFFF member companies. Wholesale members include; Bidvest 3663, Brakes, Coastline Produce Ltd, Kent Frozen Foods Ltd, Palmer & Harvey Ltd, Total Foodservice Solutions Ltd; Food Producers include; Apetito Ltd, Ardo UK Ltd, The Authentic Food Co Ltd, Cargill Meats Europe, Greggs Plc, R&R Ice Cream Ltd, Young's Seafood Ltd; Retailers include; Asda Stores Ltd, Heron Frozen Foods Ltd, Iceland Foods Ltd; and we have Logistics service providers Nortbert Dentressangle Logistics and Cold Move Ltd and a construction representative from Chalcroft Construction.

The next Health & Safety Expert group is scheduled for 28th January, and we will be welcoming a new member to the group; Jeanette Booker will join us in the new year to represent wholesaler Coastline Produce Ltd.

Over the past year, the group have given opinions and been consulted on for 34 queries from the membership. Queries have covered a vast number of areas including occupational health assessments, ammonia trigger levels, forklift truck management and PPE policies. This service is free for our members to use. All queries are treated confidentially and are always anonymized before circulation to the expert group for opinion. So please feel free to contact Joanna Hancock if you would like to use this service or if you have any topics for future discussion at the meetings.



Crystal Holmes
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We do hope that you find *Keep It Safe* a valuable read.



Joanna Hancock
Health, Safety & Projects Manager
joannahancock@bfff.co.uk

BFFF HEALTH & SAFETY INITIATIVES

WORKING IN A COLD STORE - ADVICE FOR EMPLOYEES

BFFF is delighted to issue this updated guidance.

This latest version has been reviewed and updated by BFFF in consultation with HSE, Dr Howard Oakley, Head of Survival & Thermal Medicine at the Institute of Naval Medicine, and has been assured by our Primary Authority partners at Wakefield Metropolitan District Council. The guidance contains information on:

- Employer responsibilities for cold store workers;
- 'Keep Warm' advice
- Awareness to the main risks of working in a cold environment
- Personal protective equipment



This document is an excellent training aid and can be used to demonstrate that a business has highlighted the risks to employees. Printed copies of the guidance are available from the BFFF office at a marginal cost. For more information, or to order printed copies of the guidance, please contact joannahancock@bfff.co.uk

STRONGER TOGETHER - TACKLING MODERN SLAVERY



Stronger Together is a collaborative initiative to help businesses to reduce the risk of modern slavery in their supply chains.

Reported cases of human trafficking increased by 22% in a year according to the National Crime Agency 2013 Strategic Assessment - The Nature and Scale of Human Trafficking.

Stronger Together equips employers with the knowledge and resources to deter, detect and tackle this exploitation by providing access via www.stronger2gether.org to a range of free resources.

BFFF are a supporting partner of the Stronger Together initiative and invite you to take part in the interactive workshops that are offered to help eradicate modern slavery within UK businesses.

Please find a list of upcoming workshops below:

5th February 2015	Moy Park, 73 Charlestown Road Industrial Estate, Portadown Craigavon, County Armagh, BT63 5PP
25th February 2015	Bakkavor Ltd, West Marsh Road, Spalding, Lincolnshire, PE11 2BB
19th March 2015	Co-operative Retail Logistics, 401 Edinburgh Road, Newhouse, Motherwell, ML1 5GH
6th May 2015	Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon, EX2 7HQ
20th May 2015	Wilberforce Institute for the Study of Slavery and Emancipation (WISE), Oriel Chambers, 27 High Street, Hull, HU1 1NE
10th June 2015	Co-operative Food, 1 Angel Square, Manchester, M60 0AG

For more information, or to book onto one of the workshops, please go to: www.stronger2gether.org/events

At the end of 2012 we became aware of issues with refrigeration engineers falling from the top of vehicles whilst carrying out maintenance work. This related mainly to the servicing of rigid vehicles/ vans and affects predominately our members within the foodservice and retail sectors.

There was no guidance on the safe systems of work in this area. As a result the expert group decided to develop guidance on behalf of the industry.

The development process has taken place through a comprehensive working party representing all parts of the industry and included members from the foodservice and retail sectors.

Early 2014, the guidance was reviewed by HSE and also our Primary Authority in Wakefield. The aim of this review was for the final guidance to be endorsed by both enforcing authorities.

One of the sections includes a hierarchy of working at height access equipment for this operation which includes the use of ladders when other fixed/ mobile working at height access equipment is not suitable. Our Primary Authority were comfortable with this hierarchy however HSE felt that ladders should not be used for planned maintenance work.

Ladders are widely used for planned maintenance, particularly within the foodservice sector. There would be significant financial and operational implications if ladders are not permitted for planned maintenance. This is the view of the working party that has developed the guidance and also the BFFF Health and Safety expert group.

Subsequently I have held two meetings with HSE to present the industry view. This included presentations from the major refrigeration contractors & foodservice operators, example safe systems of work, example risk assessments, training videos and a practical demonstration.



Following this information, experts within HSE have met to discuss their view on the use of ladders in this scenario.

Brian and I met with Simon Parry and Simon Bland from HSE on 15th December to discuss HSE's view on the use of ladders within the hierarchy for planned maintenance.

During the meeting HSE stated that they were delighted that the industry has come together to produce the draft guidance. They also stated that their aim is to work with industry to enable us to bring the guidance document to a conclusion and enable the industry to issue the guidance. They were also clear that HSE has not banned the use of ladders, however they are still uncomfortable with ladders used for planned maintenance. HSE's view is that companies can plan for more suitable access equipment to be available for planned maintenance.

Brian and I were able to outline some of the practical restrictions for the foodservice industry and also provide the overview of the safety of the systems of work reflected within the collated statistics. So thank you to all the companies who have kindly shared their data with us. As a next step we have agreed to re-visit the hierarchy within the guidance with a view to strengthening the wording, particularly for planned maintenance, to reflect the fact that companies should ensure that they have considered all the working at height options available and have clearly documented the reasoning behind their decisions if they have concluded to utilise ladders. The aim is to ensure that the guidance directs companies to working at height equipment higher up the hierarchy in the first place and that companies have a clear reasoned argument as to why alternatives are not being used.

BFFF are keen to get this guidance approved and so will keep you updated with further progress.



FIRE SAFETY PRIMARY AUTHORITY

In 2014 we launched our partnership with Lincolnshire Fire & Rescue, to offer member advice in all aspects of fire safety.

The scheme offers two types of membership, co-ordinated and direct which is administered by BFFF. We held a seminar in May to launch the scheme and had very positive feedback. Currently we have 11 members completely signed up representing over 2500 sites in the UK. A further 2 members are in progress and it is anticipated they will join after in the New Year.



Lincolnshire Fire & Rescue have worked on behalf of one of our signed up members to prevent two enforcement notices over the past two months. Both our member and the fire service were delighted with the outcome as firstly the issue was resolved resulting in safe premises, and secondly enforcement action was avoided.

We are also working with the fire team on developing our first piece of assured guidance covering all aspects of fire safety for new workers. We are hoping to publish this in early 2015.

We continue to receive positive feedback from joined up members regarding the pro-active partnership with Lincolnshire Fire & Rescue.

For further information on the scheme or to join, contact crystalholmes@bff.co.uk

FIRE SAFETY TRAINING

Incendi Limited is a wholly owned trading company of Lincolnshire Fire & Rescue, established to share the expertise developed within the service to provide quality, bespoke, fire safety training.

Incendi are delighted to be partnered with the recently launched Primary Authority Service (PAS) and would like to offer a 10% discount off their training courses for all PAS members with premises in England and Wales.

Incendi will provide you with the best possible fire safety training to ensure you and your organisation comply with fire safety legislation.

There are a range of courses available including, Fire Marshal, Fire Safety Awareness and Fire Extinguisher, one to four hours in duration. These can be held at your premises or at one of the Incendi training centres.

For more information on all of the courses, visit: www.lincolnshire.gov.uk/incendi/our-training-courses

Contact the team on 01522 550728 or email Business_Development@lincoln.fire-uk.org



HEALTH & SAFETY PRIMARY AUTHORITY

Our Primary Authority partnerships with Wakefield Metropolitan District Council and Cambridgeshire County Council have become very successful over the last year.

We currently have 10 members fully signed up to Health & Safety with Wakefield. This year they have assured our industry guidance 'Working in a Cold store environment advice for employees'. This new version has been reviewed by an expert in Thermal Medicine, HSE experts and our Primary authority partner. We have received very positive feedback on the resulting document from members.

Wakefield have also assured the following 6 pieces of guidance;

- Selecting Staff for First Aid Training
- Provision of Defibrillators in the Workplace
- How to Assess Head Protection for Cold Store Workers
- Rest Breaks for Cold Store Workers
- Overtime Risk Assessments
- Health Surveillance for Cold Store Workers
- Working in a Cold Store Environment

Our current priorities for Primary Authority Health & Safety are to provide us with feedback on 'Working at height in cold stores' guidance and the 'Working at Height on vehicles' guidance with the view to this guidance being assured in the future.



MEMBER BENEFIT Primary Authority Scheme

BFFF is delighted to be able to offer Primary Authority Schemes exclusively for members

Introducing Primary Authority

BFFF can now offer agreed industry advice for members under the Primary Authority Scheme. The advice is 'assured' which means it is legally backed. If the advice is followed, another Local Authority cannot ask you to do anything different.

BFFF has partnered with the Environmental Health team in Wakefield and the Trading Standards team in Cambridgeshire to deliver this service. Both of these Local Authorities specialise in Primary Authority and have expertise in the frozen food industry.

The scheme is free for members to join and will help support members to stay on the right side of regulation.

BFFF have also launched a Fire Safety Primary Authority Scheme in partnership with Lincolnshire Fire & Rescue. This innovative scheme allows members to join to receive industry level advice on all aspects of Fire Safety, but also have a dedicated fire safety contact to provide bespoke advice to businesses. The fire scheme has flexible membership options.

To take part Members can choose to sign up to any combination of the regulatory categories below:

Fair Trading

Fire Safety

Food Safety

Food Standards (Labelling & Composition)

Health and Safety

Weights and Measures

Key benefits for signed up members include:

- Advice and guidance has Regulatory backing, if you follow it, you cannot be asked to do something different.
- Access to the advice of dedicated Environmental Health and Trading Standards Professionals who are experts in the Frozen Food Sector and know how enforcement works!
- It is free to join the scheme and the key benefits of assured advice and guidance with legal backing are also free. Support through any enforcement action or business specific queries do attract a modest 'at cost' charge.



If you have any queries about the scheme please contact:



Su Dakin
Tel: 01400 283094
Email: sudakin@bff.co.uk

Food Safety
Food Standards (labelling & composition)
Weights and Measures
Fair Trading



Crystal Holmes
Tel: 01400 283090
Email: crystalholmes@bff.co.uk

General Enquiries



Joanna Hancock
Tel: 01400 283096
Email: joannahancock@bff.co.uk

Health and Safety
Fire Safety

2014 HEALTH & SAFETY STATISTICS

In January we will begin to collate our members' health and safety statistics for 2014. Last year we had over 60 members confidentially sharing their health and safety information with the BFFF for collation and we now have an excellent benchmarking tool for our industry. Furthermore, each member contributing their health and safety statistics has an opportunity for BFFF to provide a detailed comparison for their company. Feedback from members has shown that they have found the comparisons a very valuable health and safety management tool within their businesses.

We would like to once again thank all of our members that contributed last year and hope that this year's results will be just as useful for your businesses.

To get involved, or for more information contact emmacranidge@bff.co.uk

FIRE SAFETY

E-CIGARETTES: ARE THEY AN EMERGING FIRE RISK?



Further to last quarters newsletter article a number of incidents have been reported across the UK involving e-cigarettes that have exploded or ignited to cause a fire while recharging or in use. A number of different brands of e-cigarette have been implicated within these incidents.

Incidents have occurred in premises and vehicles. Recharging modes included connection to a computer USB port, car cigarette lighter/accessory socket, and connection to a mains recharger.

E-cigarettes are known to contain lithium ion batteries; these types of batteries are known to have caused fires in the past due to thermal run away which can be caused by overcharging, physical damage or a defect within the battery during manufacture.

Several causes have been identified and it is becoming apparent that is possible the devices do not have adequate over-charge safeguards. Some E-cigarettes may incorporate a high level of over-charge protection using fuses or intrinsically safe batteries for example. However, it is difficult to readily identify or distinguish these products from those with less protection or possibly no over-charge protection.

A recent alert via RAPEX (a rapid alert system that facilitates the rapid exchange of information on measures taken to prevent or restrict the marketing or use of products posing a serious risk to the health and safety of consumers) indicated "eGo -T" type may cause a fire due to a faulty charger which allows overcharging and therefore overheats the lithium ion battery.

For awareness, a new style of vaping is known as 'sub-ohm' or 'cloud chasing'. This involves building an atomising coil with a very low resistance (hence, 'sub-ohm') in order to create huge clouds of vapour (hence 'cloud chasing'). However, by reducing the resistance of the coil in the atomiser of the vaping device, this increases the load on the battery, and therefore increases the risk of exceeding the amp rating for the battery. Discharging a battery through a low resistance wire at a discharge rate that exceeds the maximum amp limit can result in a short circuit of the battery. If this short circuit takes place in a sealed tube, then the battery can fail with catastrophic effects, these are now being reported by Fire and Rescue Services throughout the country.

Can the Electronic Cigarette be recharged?

If the cigarette is recharged from a plug socket, the plug must comply with the Electrical (Safety) Equipment Regulations 1994 and The Electromagnetic Compatibility Regulations 2006, which stipulates that the plug must display a CE Mark, have a unique identifier such as model and serial number and have the power/current and frequency; the plug must also display the name or trademark of the manufacturer or responsible supplier.

If the plug socket is recharged using non mains devices such as 12V or USB, the product does not require a CE marking; however, the product must conform to the General Product Safety Regulations 2005.

An electronic cigarette battery must also conform with The Waste Electrical and Electronic Equipment (WEEE) Regulations, and possess the following signage on the packaging:



RAPEX can be found at: <http://ec.europa.eu/consumers/safety/rapex/alerts/main/index.cfm?event=main.listNotifications&CFID=4598996&CFTOKEN=19087449&jsessionid=0900caeda0fb3a75f7ae2e2d2a263ea46c6c#notice>

SAFETY FOCUS

FORKLIFT SUPERVISOR TRAINING REGULATION CHANGES

Look through reports from the Health & Safety Executive and there are regularly stories of accidents which could have been prevented, but weren't.

Every accident is different, but, upon closer examination, a common denominator is revealed: the absence of competent, confident supervision.

While high-quality forklift training covers a host of different working scenarios, every location and application presents its own unique set of challenges and dangers – no more so than within frozen food and related sectors, which are time-sensitive.



Ensuring risks are kept to a minimum and operations run smoothly relies on good supervision.

HSE focus on management

Since the release of the update to the Approved Code of Practice (L117) last year, it's clear that the Health & Safety Executive is targeting management's role in safety – and this is already being reflected in prosecution statistics.

Looking ahead, it is expected that there will be a rise in the number of managers and supervisors who, if found guilty of neglect, will face uncapped fines and even prison sentences.

L117: The 'Forklift Bible'

The latest edition of L117 underlines the importance of the supervisor's role. He or she must be able to identify hazards, unsafe practices and behaviours and confidently act upon them. This includes the introduction and implementation of the protocols that minimise them.

Good supervision doesn't 'just happen' and this updated guidance recognises this. Supervisor training is viewed so highly by the HSE that it is now included in the guidance as a solid requirement, rather than a recommendation.

What it covers

Managing a forklift safely does not require managers and supervisors to know how to operate a forklift. (Typically, less than half of managers and supervisors do.)

But anyone overseeing operations needs to be able to recognise and understand the risks associated with lifting operations and implement the actions necessary to reduce their risk in the workplace.

As an example, the IOSH Managing Safely Forklift Operations course, which is designed to meet the requirements of L117, has four key aims:

Upon completion of the course, supervisors and managers will be aware of how to:

- carry out an effective observation and know what to look for
- communicate effectively with operators and line managers
- recognise unsafe practice and behaviour
- maintain and promote health and safety standards.

High quality course provision like this, delivered by experienced and accredited forklift truck instructors, ensures that businesses do more than simply comply with the law; because the same skills that manage forklifts safety are the same skills that drive productivity.

For more information contact Stuart Taylor at Mentor FLT Training Ltd. on enquiries@mentortraining.co.uk

LEGISLATIVE UPDATE

REVISED AND UPDATED HSE APPROVED CODES OF PRACTICE (ACOP)

ACOP L113

Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and guidance

This Approved Code of Practice and guidance sets out what you should do to comply with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

LOLER applies to lifting equipment and builds on the requirements of the Provision and Use of Work Equipment Regulations (PUWER).

This edition brings the document up to date with regulatory and other changes. The guidance clarifies which equipment is subject to the provisions of the regulations and the role of the competent person.

The context and examples have been expanded to show that LOLER applies across every sector using lifting equipment. New examples show the impact on the health and social care sector.

ACOP L122

Pressure Systems Safety Regulations 2000. Approved Code of Practice and guidance on Regulations

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

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

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



ACOP L101

Confined Spaces Regulations 1997. Approved Code of Practice, Regulations and guidance

This Approved Code of Practice and guidance explains the definition of a confined space in the Regulations and gives examples. It will help you assess the risk of working within a particular confined space and put precautions in place for work to be carried out safely.

This edition brings the document up to date with regulatory and other changes. The guidance has been simplified to make the understanding and use of the document easier, particularly with clarifying the definition of a confined space.

Other changes include:

- a flowchart to help in the decision-making process
- additional examples including new workplace risks such as specifically created hypoxic environments, fire suppression systems etc
- amendments relating to the need to check, examine and test equipment

ACOP L22

Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance

This Approved Code of Practice and guidance is aimed at employers, dutyholders and anyone who has responsibility for the safe use of work equipment, such as managers and supervisors. It sets out what is needed to comply with the Provision and Use of Work Equipment Regulations 1998. The Regulations, commonly known as PUWER, place duties on people and companies who own, operate or have control over work equipment. PUWER also places responsibilities on businesses and organisations whose employees use work equipment, whether owned by them or not.

Changes since the last edition:

- The guidance material has been revised and updated, and there are small changes to some ACOP paragraphs to clarify and update information
- Time-limited information has been removed or updated, and more use has been made of lists
- This edition updates references to legislation and links to further guidance

PLANS FOR TOUGHER HEALTH AND SAFETY FINES

The Sentencing Council has published a new consultation document outlining proposed increased fines for judges and magistrates in corporate manslaughter, health and safety, and food safety and hygiene cases, following concerns that some sentences historically imposed have been “too low”.

The new draft guidelines have been introduced due to a perceived lack of comprehensive guidance for judges and magistrates in relation to all the most commonly sentenced health and safety offences and food safety offences.

There have also been concerns that some sentences imposed for these offences have been too low, particularly in relation to large organisations convicted of the most serious health and safety and food safety offences.

In terms of the new guidelines, a large organisation committing a corporate manslaughter offence could face a fine of up to £20 million. In the case of a health and safety offence which results in a fatality, fines could be as high as £10 million, based on the new proposals.

The Sentencing Council says it is proposing to increase sentence levels to ensure sentences are proportionate to the seriousness of the offence while, as required by law, taking account of the financial circumstances of the offender.

However, sentencing levels in relation to lower level offences are unlikely to change, since they are seen as already proportionate, and based on the financial circumstances of the offender.

Commenting on the new plans, Michael Caplan QC, a member of the Sentencing Council said, “We want to ensure that these crimes don’t pay. They can have extremely serious consequences and businesses that put people at risk by flouting their responsibilities are undercutting those that maintain proper standards and do their best to keep people safe.”

The consultation, which closes on 18 February 2015, can be accessed via the Sentencing Council’s website <http://sentencingcouncil.judiciary.gov.uk/get-involved/consultations-current.htm>. Please feel free to send Joanna Hancock your comments so that your views can be collated into the BFFF response.

HAVE YOUR SAY ON THE WORKING TIME DIRECTIVE



If one piece of legislation can be said to personify the dislike that Eurosceptics feel for the European Union it would almost certainly be Directive 2003/88/EC (the Working Time Directive).

In 2012, a revision to the directive reached the European Parliament with amendments which might have threatened the possibility of opting out from the legislation’s 48-hour week requirement.

The UK led a revolt by a group of Member States against the proposal and it was abandoned, that being the second time that the European Commission had had to give way on an attempt to strengthen the directive.

However, as we pointed out at the time, the Commission does not give up easily and sure enough this week has seen the launch of an online public consultation in which people are invited to reflect on how the directive might “best meet the needs of workers, businesses, public services and consumers”.

The consultation document (which is available at: <http://ec.europa.eu/social/main.jsp?catId=333&consultId=14&visib=0&furtherConsult=yes&langId=en>) and highlights that fundamental changes have occurred in the world of work and the economy since the directive was introduced.

Also, over that period, the Court of Justice (CJEU) has made a number of rulings which impact on interpretation of the directive, most recently in *Lock v British Gas* which said that a recurring element of commission should be factored into holiday pay.

Anyone wanting to comment on the possibility of a new improved directive has until 15th March 2015 to do so. Whatever happens, it is unlikely to make David Cameron’s plans of renegotiating with Brussels any easier.

Proposals to reform the law on culpable homicide in Scotland could see individual company directors face jail terms — including life sentences — for workplace deaths.

Richard Baker, the Labour member of the Scottish Parliament (MSP) for the North East Scotland region, launched the Culpable Homicide (Scotland) Bill in the Scottish Parliament on 27 November 2014.



The new Bill revives a previous attempt for tougher legislation on corporate culpable homicide first put forward by the former MSP for the Clydesdale area, Karen Gillon, in 2006. This legislation was shelved in the expectation that Westminster would introduce its own law, and the Corporate Manslaughter and Corporate Homicide Act 2007 came into force in April 2008.

However, the Act has been criticised as inadequate by trade unions in that it makes companies, rather than directors, liable for deaths caused by workplace safety negligence.

Conversely, the Confederation of British Industry (CBI) has argued that there are already specific duties contained within s.37 of the Health and Safety at Work, etc Act 1974 that enable the authorities to prosecute individual directors where necessary.

Neil Carberry, the CBI's Director for Employment, was quoted in the press as saying, "Additional duties would create a kind of 'double jeopardy' that might do more harm than good, as directors may shy away from a shared responsibility for health and safety performance, in favour of one designated director who would face all the risk."

In contrast, Pat Rafferty, Scottish Secretary of the trade union Unite, said, "Strengthening the law in Scotland on corporate responsibility for workplace safety failures resulting in deaths is long overdue — it's time to bridge this democratic deficit ... In 2012/13, 22 people died at work in Scotland and the 5-year average is around 20 fatalities a year — that's completely unacceptable when we have the power to do something about it."

NEW REACH DEADLINE: 31 MAY 2018

The European Chemicals Agency (ECHA) has urged all companies that manufacture or import chemical substances in low volumes, from one to a hundred tonnes per year, to prepare for the new registration deadline of 31 May 2018 under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regime.

The Agency says that affected companies should start preparing now for the May 2018 deadline and, in support of this, ECHA has published a range of new web pages with improved access to relevant information.

The new pages on "REACH 2018" outline the phases leading to a successful registration and aim to help companies to begin their preparations.

The registration process has been divided into seven phases and each phase has its own web page.

These pages provides key information, practical tips for registrants and links to further information relevant for that phase.

Special attention has been paid to ensure that the content is understandable to small and medium-sized enterprises.

The links are based on three levels of reading:

- getting started
- essential reading
- going deeper.

In a statement, a source at ECHA said, "ECHA will continue to work together with its stakeholders to simplify IT-tools, processes and support to help companies, in particular small and medium-sized enterprises, to meet their duties under REACH."

Further information about the new deadline can be accessed on the ECHA website: <http://echa.europa.eu/>.

Defra are consulting on the new F Gas Regulations and seeking views on the UK statutory instrument to implement the new EU Requirements. They are also seeking comments on their assessment of the cost of the new domestic legislation to UK businesses.

Fluorinated gases (F-gases) are greenhouse gases which were largely introduced as replacements to chlorofluorocarbons (CFCs) that are very damaging to the ozone layer. They are used in refrigeration, air-conditioning, insulation foams, electrical equipment, aerosol sprays, medical inhalers, solvents and fire extinguishers.

Regulation 842/2006 EU first introduced controls on the growth in use of F-gases and is now being replaced by a new one that will apply from 1 January 2015. The updated Regulation 517/2014, is intended to achieve an 80% cut in emissions by 2035.

The Regulation aims to achieve this by:

- phasing down the amount of F-gases that can be placed on the market through gradually reducing quotas on F-gas producers and importers;
- New equipment bans and service and maintenance bans on high GWP F-gases in certain applications; including R404A which has a GWP of 3922 and is therefore in the group of refrigerants with a GWP >2500 which is most affected by the new regulations.
- Strengthening of obligations on leak checks, repairs, recovery and training of those who install or service equipment containing F-gases.

You can find out more about F Gas Regulation on the European Commission website through this link: http://ec.europa.eu/clima/policies/f-gas/index_en.htm

There is also information available on the ACRIB website here: <http://www.acrib.org.uk/Q6112U60634> .

As the new EU legislation is a Regulation, it is directly applicable in UK law; however, new domestic legislation is needed to enforce the requirements as well as continuing to specify organisations who provide training and certification in the UK and also to continue to implement the requirements of Commission Regulations concerning labelling, leakage checks, training and certification.

The new domestic legislation revokes the Fluorinated Greenhouse Gases Regulations 2009 (2009 No 261) and will apply to England, Scotland and Wales, but only to Northern Ireland in relation to imports into and exports out of the customs territory of the EU.

The consultation is open until 20 January 2015, find out more about it and respond online at: <https://consult.defra.gov.uk/atmosphere-local-environment-team/implementing-the-new-eu-fluorinated-greenhouse-gas>

The above link also has information on:

- The Defra interested parties letter relating to the consultation
- The consultation document
- The Draft Legislative proposal

Defra have published guidance on the new regulation, which can be found here: <http://www.gluckmanconsulting.com/f-gas-information-sheets/>



FSDF F GAS SUMMIT

The Food Storage & Distribution Federation is holding an F-Gas Summit on Thursday 15th January 2015 at the University of Birmingham.



The Summit, which is free to attend, will take a detailed look at the regulations from the perspective of the Environment Agency, refrigerant producers, refrigeration contractors, mobile refrigeration manufacturers and service providers plus the implications for F Gas certification, competence and training. Places are limited, to book yours call the FSDF team on 0118 988 4468 or email info@fsdf.org.uk

LEGAL OBLIGATION TO INVESTIGATE NEAR MISSES

Q. I am reviewing our current policy and procedures on the investigation of accidents and incidents. We encourage employees to report near misses but are we legally obliged to investigate such incidents and to what level?



A. A near miss is defined as “an event that, while not causing harm, has the potential to cause injury or ill health”. Certainly, lessons can be learnt from such events and there is the potential to prevent costly accidents in similar circumstances.

Under health and safety legislation, there are no specific requirements to undertake investigations of near misses. However, regulation 5 of the Management of Health and Safety at Work Regulations 1999 requires employers to plan, organise, control, monitor and review their health and safety arrangements with Health and Safety Executive (HSE) guidance noting that “health and safety investigations form an essential part of this process”.

HSG245 Investigating Accidents and Incidents: A Workbook for Employers, Unions, Safety Representatives and Safety Professionals provides useful guidance in relation to near misses. It recognises that while the argument for investigating accidents is fairly clear, “the need to investigate near misses and undesired circumstances may not be so obvious”.

However, the same document states that “it is often pure luck that determines whether an undesired circumstance translates into a near miss or accident” and that “investigating near misses and undesired circumstances is as useful and very much easier than investigating accidents”. It notes that such events enable investigations to be undertaken without:

- having to deal with injured parties and demoralised employees
- the threat of criminal or civil action being in the background.

Some rationale will need to be developed as to what unwanted events are investigated, as it may not be reasonable to commit considerable resources to every near miss incident reported.

The HSE guidance notes that “it is the potential consequences and the likelihood of the adverse event recurring that should determine the level of investigation” and that employers “must also consider the potential for learning lessons”.

To be of value, the lessons learnt from near misses should be disseminated to relevant stakeholders along with any recommendations to eliminate/reduce the potential for future events.

In addition, lessons learnt can also be built into any future learning and development given to staff members as part of their regular professional development or, alternatively, specific one-off sessions can be held, if it is felt the outcomes of the investigation warrant such action.

Q. Our organisation is intending to purchase occupational health services from an external provider. As part of this process I have been asked to comment on the service level specification requirements. What factors do I need to consider?



A. Third party occupational health services are sources of specialist health provision that can provide various services including statutory health surveillance, opinions on fitness for work and rehabilitation, and advice on legal compliance both in relation to health and safety legislation and the Equality Act 2010.

Specifying service requirements to reflect the client organisation's needs is an important element of the tender process and overall service level agreement (SLA) that will be agreed upon.

One of the key factors will be to identify the organisational "health risk profile", eg through risk assessments and historic data such as sickness absence. This will help to identify the health risks, control measure requirements, their frequency and potential demands on the service.

The statutory health surveillance requirements are very much likely to form the core of the specification but other functions must be considered including:

- involvement in workplace assessments, particularly for employees with specific health issues
- absence management, fitness to work and rehabilitation reviews in relation to employees
- medical reviews and screening for alcohol and drug misuse, etc.

Using this information, the more administrative and logistical requirements of the specification can be developed, such as the capacity and resources of the service and whether the service will be provided on-site or at remote locations.

Although many service specifications now tend to be "open-ended" to enable the third party provider to meet requirements in innovative and cost-effective ways, it is sometimes advisable to set out within the overall SLA some of the functional matters, including the following.

- The referral process from client to service provider as well as service provider to additional specialists.
- The process for reporting cases of occupational disease.
- Provision of information to the service provider in relation to the health risk profile.
- Record keeping, taking account of data protection requirements.
- Ongoing monitoring of performance (eg referral turnaround times).
- Feedback and complaints procedures and how any changes in the health risk profile will be accommodated.

Selection of the preferred provider will clearly include assessment of competency and the specification may also dictate that the provider and its employees must hold relevant professional qualifications and registrations. In addition, it may be advisable to have assurance that any additional suppliers used by the "primary" provider are also subject to relevant competency checks.

GUIDANCE

PLANS TO RAISE SPEED LIMIT FOR LORRIES ON DUAL CARRIAGEWAYS

Rules governing HGVs will be modernised across England and Wales, Transport Minister Claire Perry announced on 28 November 2014.

The government plans to raise the national speed limit from 50 mph to 60 mph for lorries travelling on dual carriageways, following the increase in speed limits for HGVs on single carriageways announced in July this year.

The announcement will ensure that as of 6 April 2015, lorry drivers have speed limits that are better suited to a modern transport network.

Transport Minister Claire Perry said:

It is really important that speed limits for lorries reflect the needs of a modern transport network and improved vehicle technology”.

Britain has one of the best road safety records in the world and I am determined to ensure this continues. This change is about ensuring rules for lorry drivers’ speed limits are in line with other larger vehicles on our roads, creating a fairer and more proportionate system.

The changes to speed limits will update previous regulation dating back to the 1980s.

The government also published responses to a consultation on issuing on-the-spot fines for HGV drivers who take insufficient breaks from driving on longer journeys. The consultation showed clear support for government plans to give enforcement officers another weapon in the fight against irresponsible driving by both foreign and UK drivers.

Final plans are still being drawn up.



DVLA LAUNCHES NEW FLEET SCHEME

The DVLA has launched a new fleet scheme which could provide a number of benefits for fleet operators, and it's free to join.

The scheme is for vehicles of all sizes, ages and taxation classes. DVLA allocates a fleet number which is a unique identifier for use with a company's address. The fleet number is added to all V5Cs of vehicles within that company's fleet. DVLA maintain the fleet list to make sure name, address and contact details are up to date.

Benefits for fleet operators include:

- receipt of vehicle documents in bulk including V11 & V85/1 tax reminders and V5C registration certificates
- bulk taxation at a Post Office
- access to a dedicated fleet operator support helpdesk
- quicker resolution of queries as DVLA can identify the vehicles assigned to each fleet number
- access to the View Vehicle Record (VVR) enquiry service from spring 2015 on GOV.UK

VVR will offer advantages such as having access to data for vehicles within your fleet, 24 hours a day, 7 days a week and being able to see which vehicles are due to be MOT tested and taxed.

You will be able to opt in or out of having a V5C issued which could reduce the administrative burden, the amount of storage space as you won't need to store the V5Cs and allow you to request a V5C when required.

For more information on how to join the DVLA Fleet Scheme please contact DVLA via email at this address: fleetshd@dvla.gsi.gov.uk

HSE ADVICE ON DEALING WITH FLOODING

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

The recently published information, which is available here: <http://www.hse.gov.uk/business/recovering-your-business.htm> may be useful both in terms of minimising risks from floodwaters and cleaning up safely.

The information was published by the HSE after a number of businesses were badly affected by flooding after the sustained bad weather in the winter of 2013/2014.

The HSE offers a number of pointers on minimising the risks from floodwater, including:

- avoiding coming into direct contact with floodwater if possible, as it can contain sewage and chemicals (so it is best to wear waterproof gloves and rubber boots)
- taking care if going into floodwater is unavoidable (there could be hidden dangers like sharp objects, raised manhole covers and pollution)
- keeping open cuts and sores clean and using waterproof plasters to protect them
- washing hands with soap and warm water after contact with floodwater or after cleaning up.

Hazards to be aware of when cleaning up premises may include:

- containers of hazardous chemicals possibly damaged during the flooding (suitable protective gloves should be used)
- leaked chemicals in floodwater, especially in enclosed spaces where fumes may build up (it may be necessary to seek information on hazardous substances)
- gas appliances after flooding (it may be necessary to seek advice on gas appliances)
- asbestos (where specialist advice should be sought)
- rats, which can move after their nests have been flooded (rat droppings or urine can spread disease so hands should be washed thoroughly after contact with floodwater).

HSE LAUNCHES NEW ASBESTOS CAMPAIGN

Following on from the success of its Hidden Killer campaign from 2008, HSE are once again trying to raise the profile of asbestos issues with a new campaign which began in October 2014.

As a lead-in to the campaign launch, HSE shared the results of research carried out via a survey on their behalf by Censuswide, a headline figure of which is that an average of 20 trades people die every week from asbestos related diseases.

The research also highlighted a number of potentially dangerous asbestos myths, with 1 in seven (14 per cent) believing that drinking a glass of water will help protect them from the deadly dust and one in four (27 per cent) thinking that opening a window will help to keep them safe.

Furthermore only a third (30 per cent) of those asked were able to identify all the correct measures for safe asbestos working, whilst more than half (57 per cent) made at least one potentially lethal mistake in trying to identify how to stay safe.

A key feature of the latest campaign is a new app for phones, tablets and laptops that helps workers easily identify where they could come into contact with asbestos and gives them tailored help on how to deal with the risks.

Mark Harper, Minister responsible for Health and Safety, said: "The number dying every year from asbestos related-diseases is unacceptably high. Despite being banned in the construction industry, asbestos exposure remains a very serious risk to tradespeople. This safety campaign is about highlighting the risks and easy measures people can take to protect themselves. We hope the safety kits and the web app will encourage people to be aware of the risks, think twice, and take precautions to stay safe."

THE MEWP — A BEAST TO BE TAMED?

Mobile elevated work platforms (MEWPs) can provide a reliable and adaptable means of safely working at height. Yet there are still prosecutions arising from inadequate controls concerning their use. Here we summarise the key risks and benefits of deploying MEWPs.

WHAT ARE MEWPs & HOW DO WE MANAGE THEM?

A MEWP enables individuals to work in difficult to access spaces and/or at height. MEWPs are used in many different applications in construction, facilities management, landscaping, highways management and manufacturing, as well as having firefighting and rescue applications.

MEWPs, broadly, fall into four categories: self-propelled booms; trailer mounted booms; vehicle mounted booms; and vertical scissor lifts.

This article will not attempt to look at each type in detail but, rather, how wider risk assessment concepts can help make the selection and use of MEWPs more appropriate.

MEWPs, on first impression, seem an ideal solution to working at height or where there are complex access issues. Surely, MEWPs are safer and more adaptable than ladders, abseiling or other more time-consuming solutions such as scaffolding? This is not always the case and, in any event, MEWPs need to be carefully selected and deployed to operate both safely and in a cost-effective way, ie a risk assessment must be done for each work application.

This means that if a MEWP is chosen for a task and that task is then outsourced, it is equally important that the contractor is skilled in both that type of MEWP and the work application required. A contractor who is highly experienced with particular types of scissor lifts may only have limited skills with trailer-mounted booms.

It is also vital that not only individual MEWP operators, but also their managers, are properly trained; often just the operators' training records are checked, but this should never be considered adequate. The MEWP operator is, of course, vital, but so is his or her manager's role in terms of risk assessment, providing proper resources for the MEWP and ensuring that it is only used in suitable, safe environments.

THINKING OUTSIDE THE BOX

MEWPs are a diverse range of equipment and their use does not come under one set of regulations. The Provision and Use of Work Equipment Regulations 1998 (PUWER), Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Work at Height Regulations 2005 (as amended) (WAH) can all apply in certain circumstances — and this is not an exhaustive list. For example, there has been at least one successful prosecution under the Construction (Design and Management) Regulations 2007 (CDM) concerning a fatality when using a scissor lift.

Whether a work activity comes under CDM or not, the requirements of CDM can actually provide a helpful reference point for designing any strategy for safe systems of work for working at height. Can we design the structure, plant or even maintenance routine in such a way as to minimise the need to work at height? If so, how do we forward plan, then manage and monitor the way that work is eventually carried out?

This trend is likely to continue as built environment and plant design move towards four-dimensional Building Information Modelling (BIM), over the next few years, where the whole life cycle of the plant or building will be enhanced further with more intelligent, integrated engineering and facilities services designs at an early stage of the process.

Choosing and deploying a MEWP is something that should flow from these decisions, rather than being considered the sole, generic solution to working at height.

Arguably, there is often a cart before the horse scenario with the use of MEWPs. Sometimes there seems to be more emphasis on operator training rather than the design, planning and selection of the safest and, therefore, most appropriate method of work.

In short, deploying the MEWP is simply part of a process of risk assessment and procurement; there should be nothing random or assumed about their selection or use.



WHEN THINGS GO WRONG

One thing that assists risk assessments is to have an element of planning for emergencies. In fact, WAH requires that “every employer shall ensure that work at height is... properly planned and... planning of work includes planning for emergencies and rescue”. The competency requirements, later stated in WAH, also apply to this emergency planning process.

One element of emergency planning is that, properly done, it indicates where the location or purpose is not suitable for a MEWP, eg where a MEWP is going to have to be jacked up on soft ground. Second, it can simply inform a safe system of work by bringing up an issue not previously considered.

NEW HSE INFORMATION SHEET

HSE have recently released a new information sheet ‘The selection, management and use of mobile elevating work platforms’ (GEIS6) which is aimed at those who select, specify, manage and operate MEWPs.

IOSH ‘NO TIME TO LOSE’ CAMPAIGN

IOSH’s No Time to Lose campaign aims to get carcinogenic exposure issues more widely understood and help businesses take action. The campaign is working to:

- raise awareness of a significant health issue facing workers in the UK and internationally
- suggest some solutions on a UK scale to tackle the problem – a national model that can be transposed internationally
- offer free practical, original materials to businesses to help them deliver effective prevention programmes.

Cancer caused by work exposures claims the lives of 666,000 people a year worldwide.

The campaign was launched on 3rd November at the House of Commons at an event hosted by Andrew George MP.

As part of the campaign, IOSH are encouraging businesses to sign up to a pledge –the companies who form the group of founder signatories include; Laing O’Rourke, Royal Mail Group, Skanska and Southern Water. IOSH were also delighted to welcome the support of more than 40 companies and organisations, including Macmillan Cancer Support, and international bodies from the European Agency for Safety and Health at Work to the American Industrial Hygiene Association.

Go to www.notimetolose.org.uk to find out more, see how your organisation can get involved, download free practical resources, or put a question to our expert panel.

POWERS OF ENTRY CODE OF PRACTICE PUBLISHED

The Home Office has published Code of Practice: Powers of Entry.

A power of entry is a statutory right for a person (usually a state official such as a police officer, local authority trading standards officer or a member of enforcement staff of a regulatory body) to legally enter defined premises, such as businesses, vehicles or land for specific purposes.

Purposes for which a power of entry might be exercised include undertaking an inspection, dealing with an emergency or searching for evidence during an investigation. Often, a power of entry is accompanied by what are known as ‘associated powers’, which set out what an official is allowed to do once they have entered the premises. This might include conducting a search, seizing relevant items or collecting samples. Currently, there are around 1,200 separate powers of entry under primary and secondary legislation.

Section 7 is of particular interest, as it covers all of the information that should be provided to businesses to make them aware of their rights in the instance of entry.

The full document is available on the Gov.uk website, through this link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383079/Code_of_Practice_-_Powers_of_Entry_web.pdf

HSL GET A GRIP ON SLIP RISK

The Health and Safety Laboratory has stepped up the safety campaign by developing a slip resistance ratings system for safety shoes and boots.

GRIP, a one to five stars rating system, helps employers select the most appropriate footwear for their particular work environment. Footwear manufacturers who sign up to the scheme can display the assigned rating on their product packaging.

Kevin Hallas, falls prevention technical lead at the Health and Safety Laboratory, said that ratings were given along with a “rating year”.

“So footwear tested in the 12 months to 31 March 2015 will be assigned a rating year of 2015,” he explained, writing in an article for Health and Safety at Work.

“Manufacturers will be able to use the rating until the end of the rating year and products will have to be re-rated every year to retain their status.”

“For low hazard environments,” he continued, “one star footwear should be adequate to protect staff from slips. Where slips are known to occur, two or three star footwear will reduce these incidents. In more challenging workplaces, such as manufacturing areas with contamination on the floor, four or five star footwear will be more appropriate.

“Risk assessment reviews will help to determine whether the right footwear is being used — so if slips are still occurring in lower rated footwear an upgrade might be necessary, whereas if high levels of wear and no slips are noted with four star a reduction to three star might be adequate.”

More information is available at: <http://www.hsl.gov.uk/products/grip>



HSL WHITE PAPER: HOW TO ACHIEVE SAFETY CULTURE EXCELLENCE

For many years, the Health and Safety Laboratory (HSL) has been at the forefront of understanding safety culture and why improving it brings huge benefits to businesses and safety performance.

HSL has developed the highly respected Safety Climate Tool that helps organisations measure their safety culture at a particular point in time. They also have one of the largest dedicated human factors teams in Europe that provide expert advice and consultancy using insights gleaned from many years working with industry.

In this white paper, the third in the series of papers about safety culture, the focus is on helping businesses understand the process of improving safety culture, specifically laying the foundation for a successful programme and using the Safety Climate Tool to help understand strengths and target areas for improvement.



**HEALTH & SAFETY
LABORATORY**

Background: Most organisations reach this point having invested time and effort getting their health and safety management systems right, for example health and safety policies, procedures, control measures etc., but recognise that a different approach is required if they really want to ‘change the way things are done around here’.

They recognise they need to engage with their people more effectively and inspire safety leadership in order to improve their safety culture and make that important step change to their health and safety performance.

But how do you improve safety culture? After all, safety culture is a combination of the shared values, beliefs and habitual working practices that influence human behaviour and subsequently safety performance.

The HSL White Paper is available in full through on the BFFF Health & Safety Guidance page, under safety culture – you can access it through this link: <http://bfff.co.uk/health-safety/guidance-2/>

GOVERNMENT PUBLISHES RESPONSE TO HSE TRIENNIAL REVIEW

The Government has published its formal response to the Triennial Review of the Health and Safety Executive (HSE), rubber-stamping the Review's recommendation to maintain the independence of the safety watchdog, as well as its more controversial proposals to commercialise some of the regulator's functions.

The Triennial Review was conducted by Martin Temple, former Chief Executive of the manufacturers' organisation EEF, and published in January 2014. It looked at the continuing need for HSE's functions, the best delivery model and whether HSE governance complies with good practice principles.

The Review concluded that HSE's functions are still required and that it should be retained as a non-departmental public body (NDPB). It also broadly confirmed the role of the safety watchdog, as well as ruling out any plans for privatisation of its functions.

The review process itself was a controversial one, in which the Government was accused by trade unions of "questioning the very existence of the HSE".

One key area of criticism in the report was the HSE's Fee for Intervention (FFI) Scheme.

Martin Temple raised concerns that "FFI is a penalty or fine regime, but without any of the usual safeguards for such statutory schemes", and "that the introduction of FFI is linked to the need for HSE to fill the gap in its budget".

In response to the review, EEF, the manufacturers' organisation said it agreed "wholeheartedly with the main conclusions of the report" but that the report had "missed an opportunity" to look in more depth at establishing a unified health and safety agency (including local authorities) to cover all workplace health and safety issues.

Despite this, the Review was largely greeted with approval by health and safety professionals, with the Institution of Occupational Safety and Health (IOSH) welcoming the Review's "nearly universal praise" for the regulator.

More contentious, however, were the Review's proposals to commercialise the HSE, provoking concerns that a profit-based approach would conflict with the regulatory role of the HSE.

The Government's response to the Review has now given a green light to many of the Review's key commercial suggestions. Proposals have included possible charging for inspections and advice, consulting with overseas regulators, and increasing revenue from the Health and Safety Laboratory, the HSE's research agency.

Commenting on the Government's response, Richard Jones, Head of Policy and Public Affairs at IOSH, said: "IOSH welcomes the Government's agreement that HSE should continue to operate as a non-departmental public body."

He added, "We note the establishment of a steering group to advise the HSE Board and Minister on commercial activities and importantly, to provide challenge. Scrutiny will be absolutely vital, as we believe it's essential that commercial activities do not erode confidence in the independence of the regulator."

NEW WORKPLACE TRANSPORT CHECKLIST FROM HSE

HSE have published a new Site Inspection: Workplace Transport Checklist, intended for use by employers when assessing vehicle risk in the workplace. The checklist covers issues such as:

- Management and Supervision
- Loading/Unloading
- Work at Height
- Vehicle Selection and Suitability
- Site Layout
- Tipping
- Maintenance
- Driver Competence
- Vehicle Movement
- Coupling/Uncoupling
- Sheeting/Unsheeting

The checklist can be downloaded at <http://www.hse.gov.uk/workplacetransport/wtchk1.pdf>

CONCERNS OVER RISE IN ILLNESS AND INJURY AT WORK

The TUC has highlighted the latest figures published by the HSE on workplace illness and injury rates in 2013/14, claiming that they “paint a worrying picture”.

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

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

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

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

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

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

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

HEALTH AND WORK SERVICE IS NOW FIT FOR WORK

Even before it has been launched, the Government’s latest initiative to help employers and employees manage sickness absence, the Health and Work Service, has been rebranded as Fit for Work.

The Department for Work and Pensions (DWP) recently announced that Health Management Ltd had been appointed as the supplier to deliver the new service in England and Wales.

Fit for Work Scotland will be delivered by the Scottish Government, on behalf of the UK Government.

Employees on sick leave will be helped to return to work by providing them with an occupational health assessment when they reach, or are expected to reach, more than four weeks’ sickness absence.

Employees will normally be referred by their GP, with the resulting return to work plan being shared with their employer. Guidance will make clear that referral should be the default option.

The DWP said that the name had been changed “to more accurately reflect the nature and impact of the service”.

Details of Fit for Work are available at <http://bit.ly/10qzLrs> and explain that, as well as the assessment part of its role, it will also offer advice to employers, employees and GPs via a phone line and website.

A tax exemption of up to £500 a year per employee on medical treatments recommended by Fit for Work or an employer-arranged occupational health service will be introduced. Without this exemption, the payment would be treated as a taxable benefit in kind, liable to income tax and employer National Insurance contributions.

DVLA LAUNCH NEW VEHICLE INFORMATION TOOL

The Driver and Vehicle Licensing Agency (DVLA) has launched a new website where you can access all the information it holds on a vehicle. The website replaces premium rate phone number which used to provide this service.

The ‘Get vehicle information from DVLA’ page allows users to check online to find out what information the DVLA holds about a vehicle. You’ll need the vehicle’s make and registration number.

The DVLA Vehicle information tool is available through this link: <https://www.gov.uk/get-vehicle-information-from-dvla>

ENFORCEMENT ACTION

BUSINESS FINED OVER DEATH OF FORKLIFT DRIVER

A sauces manufacturing company, has been fined following the death of a forklift truck driver.

- In April 2011 Michael Moran, was driving a forklift truck at the company's factory in Runcorn.
- He was using the truck to load a lorry trailer outside the factory when another lorry reversed into the side of his vehicle. His truck overturned and he suffered fatal injuries.
- Forklift truck drivers regularly drove onto a public road to load lorries without the company putting safety measures in place.
- The deceased had been loading pallets onto the lorry trailer. He finished loading one side and moved into the road to reach its other side. As did so, a lorry started to slowly reverse. It struck the deceased's truck.
- Vehicles often visited the site with deliveries or to pick up loads for distribution. Most of them reversed down the public road.
- The company had not carried out an adequate risk assessment in relation to employees or visiting drivers. Drivers had not been given any information, training or instruction on how to load trailers safely. Supervision was poor.

The Decision: The company was fined £140,000 plus £22,000 costs under s.2 of HSWA, for failing to ensure the health and safety of employees.

WORKER LOSES FINGERS IN UNGUARDED MACHINERY

A Newport company has been prosecuted following an incident in which a worker lost the tips of two fingers.

- In September 2013 a female employee, who wishes to remain anonymous, was working at the company's site in Rogerstone, Newport.
- She was cleaning food mixture from a pipe by hand when her fingers were caught in part of the pump mechanism. The tips of her index and middle fingers of her right hand were severed.
- The company had placed bars over the inlet and outlet parts of most of the other pumps in the workplace but had failed to do this on the pump involved in the incident.

The Decision: The company was fined £2400 plus £4300 costs for a breach of regulation 11 of PUWER, for failing to prevent access to a dangerous part of machinery.

WHOLESALE FINED £18,000 FOR OPERATING FAULTY FORKLIFT AND FALSIFYING RECORDS

An Enfield-based meat wholesaler, has been prosecuted after it was discovered that they had falsified records.

- The offences were identified on 8th March 2013 during a routine inspection by HSE at the business' premises in Enfield.
- According to HSE, during the visit an HSE inspector asked to see the vehicle examination records for the company's 2.5-tonne counterbalance forklift truck. A document was later emailed to the inspector but appeared to be – and was later proven to be – a fraud.
- In reality the forklift truck had never been examined since it was purchased in August 2011. An HSE specialist examined the forklift and found over 40 faults, some of which could have endangered the operator of the truck.
- A prohibition notice was served on the company and their use of the truck.

The Decision: The company admitted operating a faulty forklift truck and falsifying a positive thorough examination report on the vehicle. They were fined a total of £18,000 and ordered to pay £2314 in full costs following their prosecution at Westminster Magistrates' Court on 3rd September.

For further information or to download a copy of this newsletter, please visit www.bfff.co.uk.



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