



News

No Maximum Limit for Indoor Workplace Temperatures

The first Heat-Health Watch warning has been issued by the Met Office as temperatures reached 30°C at Heathrow on 29 June. The Heat-Health Watch is currently at level two, but with the probability of temperatures rising further the Met Office predicts this may rise to level three.

Workplace temperatures are governed by the Workplace (Health, Safety and Welfare) Regulations 1992, which specify requirements for most aspects of the working environment. Although there is a minimum temperature for indoor workplaces, the Regulations do not stipulate a maximum. Regulation 7 states: "Temperature in all workplaces inside buildings should be reasonable."

The Codes of Practice also do not state how high temperatures can soar before a worker has a legal complaint.

Earlier this year in a research document (Changing Work in a Changing Climate), the TUC called for a maximum upper temperature limit. In the past, concern over workers' health in overheated workplaces has led to industrial action.

Nightshift Working May Increase Risk of Breast Cancer

A United Nations (UN) study by the International Agency for Research on Cancer has concluded that nightshift working raises the risk of breast cancer. The study also found that nurses and flight attendants involved in nightshift working over a period of 30 years had an increased risk of breast cancer.

The Danish Government has also recognised that breast cancer developed after nightshift working is an industrial injury. Compensation payments were given to around 40 women, who had undertaken nightshift working for some 20 to 30 years, where there was no other significant factor to explain the development of the cancer.

In the UK, the law firm Eversheds is warning employers to take the dangers of nightshifts seriously or risk a wave of compensation claims. Although at this stage it is unclear whether UK courts will follow the Danish lead.

The HSE has issued no guidance and its research into the potential link is not expected until 2011. But, Eversheds comments that this is not a complete defence when an EU government is already paying out on such claims. It advises employers to not ignore the UN research when assessing the risks to which they expose their workforce.

Prosecutions for Hiring Illegal Immigrants up 500% in 2008

Employers, businesses and recruitment agencies are being urged to make rigorous checks when hiring new staff. The number of prosecutions has suddenly jumped up, according to giant precision, a business process outsourcer.

The new penalty system introduced in February 2008 led to 223 prosecutions of employers. Before this new legislation the number of cases was around 40 each year.

The new systems, which introduced a civil penalty of £10,000 for each illegal worker, means it is essential that employers ensure that their background checking systems are up-to-date with the new legislation.

Matthew Brown, Managing Director of giant precision says: "The new civil penalty for employers who hire illegal immigrants has made a big difference to the UK Border Agency's activity in bringing cases against employers.

"More employers than ever before are finding themselves hit with big fines. In cases where an illegal immigrant is supplied by a staffing agency, the agency itself can be liable."

Fraudulent paperwork such as P45s, P60s and even passports is often to blame for hiring illegal immigrants.



Prosecutions

Quarry Incident Prompts HSE Warning

Following an incident in which a quarry worker tripped and became trapped in the head drum of a conveyor, the Health and Safety Executive (HSE) is reminding employers of the dangers of failing to provide adequate protection.

The incident occurred on 12 May 2008 at Calstron Quarry, Thropton, Rothbury, in Northumberland. A quarry worker, Michael Snaith, tripped on a piece of metal while checking the head drum area of the main incline conveyor. Consequently, he fell into the belt area and was dragged into the belt mechanism. His right arm was trapped up to his shoulder.

At Alnwick Magistrates' Court, North East Concrete Ltd and North East Plant Sales Ltd, of High Street, Newburn, Newcastle, were fined a total of £8,333 after pleading guilty to breaching health and safety regulations. Each firm was also ordered to pay costs amounting to £2,779, as well as a victim surcharge of £15.

The charges against North East Concrete were brought under the Quarries Regulations 1999. The first concerned the company's failure to ensure, so far as was reasonably practicable, that the quarry plant was constructed, operated and maintained in such a way as to enable persons using it to carry out their work without a risk to their health and safety. The second charge concerned the lack of a suitable inspection regime.

North East Plant Sales Ltd was prosecuted under section 2(1) of the Health and Safety at Work etc. Act 1974, for failing to ensure, so far as was reasonably practicable, the health and safety of their employees by omitting to check that the sand and gravel plant was safe to use.

Follow Safety Procedures when Operating Machinery and Drills

The Health and Safety Executive (HSE) is warning employers and their staff of the importance of following the proper safety procedures when operating machinery and drills. The warning follows the Executive's prosecution of a West Bromwich firm for an incident in which an employee lost part of his index finger.

The employee was using a pedestal drill, when his hand slipped from the block. His glove became caught in the rotating drill and part of his index finger was amputated. Despite the fact that a risk assessment had identified drill guards and the use of jigs as necessary for safety, neither of these measures was adopted.

At West Bromwich Magistrates' Court, Aluminum Products Ltd, of Haines Street, West Bromwich, pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £4,000 and ordered to pay £2,423 costs.

HSE inspector, Lee Perry, pointed out that the incident was caused by an unsafe system of working and was easily preventable. Indeed, a telescopic guard (costing £60) was installed within a couple of days after the incident.

Food Packaging Manufacturer Fined following Finger Amputation

Following an incident in which a worker at a plastics firm in Gateshead suffered a serious injury to his hand, the Health and Safety Executive (HSE) is warning employers not to neglect their obligation to protect, so far as is reasonably practicable, the safety of their employees.

At Gateshead Magistrates' Court, HFW Plastics Ltd, of Albany Road, Gateshead, was fined £3,500 after pleading guilty to a breach of section 2(1) of the Health and Safety at Work etc. Act 1974. The company was also ordered to pay costs amounting to £2,000.

The incident occurred at the company's factory on 3 June 2007. A member of staff lost the little finger of his right



hand whilst attempting to clear a jammed tray from the stacking station of a thermoforming machine. The machine is used for the production of plastic food trays.

HSE Inspector, Zoe Feather, commented that many accidents are caused by workers attempting themselves, to clear the blockages and jams in machinery that can often occur during production. She emphasised the need for employers who operate such machinery to establish how the clearing of blockages can be undertaken safely. She added that they must also put suitable safeguards in place to ensure employees are not exposed to the dangerous parts of machinery.

HSE Publishes Fatal Injury Statistics

The Health and Safety Executive (HSE) has published the latest figures detailing fatalities reported to them over the period 2008/2009. These figures are published annually by the HSE and are based on quarterly returns made to them from workplaces over the year. The report gives an overall summary on the figures, then identifies worker fatalities by main industry. It is crucial to look at long-term trends when studying fatalities in order to rule out chance variations from one year to the next.

2008/2009 saw a total (provisional figure) of 180 workers fatally injured, representing a rate of 0.6 per 100,000 workers. This rate shows a decrease compared to the average rate for the previous five years. In numerical terms the 180 fatalities represent a drop of 22% (231) lower than the average for the previous five years, with the rate of 0.6 per 100,000 showing a 23% decrease on the previous five year average of 0.77.

The figures reported for 2008/2009 are as yet provisional, however, the 2007/2008 finalised figures amounted to 233 (a difference of 4 from the provisional 229 that had been noted). Reasons for the figures being provisional are, for example, fatalities that have occurred towards the end of the year and are reported late, investigations are still ongoing or records are still being updated.

On a European perspective, the UK has consistently one of the lowest levels of workplace fatalities.

In terms of fatalities to members of the public, 2008/2009 saw 94 members of the public fatally injured in workplace-related accidents. These figures exclude railways-related accidents.

Looking at the 2008/2009 fatalities according to the main industry in which they occurred can report on the following:

Agriculture - 26 fatalities, equating to 5.7 deaths per 100,000 workers. This compares to a rate of 9.9 when it is looked at as an average over the past five years

Construction - 53 fatalities, equivalent to 2.4 deaths per 100,000 workers. The previous five year average rate is 3.4, representing an overall downward trend in fatal injuries in this sector

Manufacturing - 32 workplace fatalities, with a rate of 1.1 per 100,000 workers, no change from the average rate for the previous five years

Services sector - 63 fatalities, with the rate for the previous five years remaining the same at 0.3



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Guidance

A Guide to Health and Safety Regulation in Great Britain

In response to several information requests from international visitors, researchers and enquirers the Health and Safety Executive (HSE) has updated and published the fourth edition of its publication outlining the occupational health and safety system in the UK. The document serves to outline the work that both the HSE and local authorities do to protect the public from risks that arise through work activities in the UK.

The information document is divided into a number of sections, which are summarised herewith.

Key Facts

This provides an overview of the document.

The System

This chapter outlines who has responsibility for health and safety enforcement in the UK, namely the HSE and local authorities. Also detailed are ministerial and advisory committees' responsibilities, in relation to their interaction with the Government. Limits of the HSE's responsibilities are also described here.

The Health and Safety Executive

This chapter provides details on the HSE – the organisational structure, its ethos and policy statements, as well as its role in terms of its operational inspection regime as well as its science and technology research role in the field of health and safety.

The Legal Framework

This chapter focuses on the legislation concerned with health and safety regulation in the UK. It describes how the overarching piece of legislation in terms of health and safety in the UK is the Health and Safety at Work etc. Act 1974. A brief outline of duties imposed by this Act on employers, employees and others is given, and some of the terms used in the Act are explained – "adequate control", "reasonable steps". Following on from this is a description of secondary legislative instruments, such as regulations, codes of practice and guidance, along with an explanation of their weight in terms of health and safety regulation in the UK. Mention is also made here of how the UK's legal framework fits in with that of Europe and the rest of the world. Clarification is given on the setup whereby the HSE are deemed to be competent authorities under a number of European laws, in terms of certain issues, such as plant protection and biocidal products. The HSE's role in setting standards is also emphasised here, both at a domestic, UK level, but also on the European stage.

The Policy Process

This chapter describes how the HSE's policy process has been developed and evolved over the years. Essentially cognisance has been given to UK Government priorities and ways of working, such as transparency, accountability, targeted and consistency etc.

Enforcement

Powers of health and safety enforcement inspectors are outlined here, both in the HSE and the local authority inspector's context. The importance of impact assessment, evaluation and training and review of officers is considered crucial in this section, as well as the development and implementation of a systematic approach, and experience sharing are highlighted here.



Control of Risks in the Workplace

The final section in the document looks at the control of risks in the workplace. Specifically it tells how employers should manage risks in the workplace, emphasising that it is not just bodies such as the HSE and local authority enforcement officers who have a role to play in health and safety regulation in the UK, rather effective and efficient health and safety management relies on input from a number of people, and this should always be borne in mind. The potential for trade union involvement in consultation scenarios is also mentioned, as is health and safety assistance available.

The document concludes with providing a list of other sources of information that may be of use.

One Third of Road Fatalities are Work Related

The Health and Safety Authority (HSA) and Road Safety Authority have launched new guidelines – 'Driving for Work'.

Statistics show that around 100 people are killed every year on Ireland's roads, in crashes where they have been using the vehicle for work. This statistic, revealed at an International Conference on 'Road Safety at Work', which is being hosted jointly by the RSA and the Health and Safety Authority HAS, has highlighted the dangers of work related driving.

The conference, which features national and international speakers, informed employers of their responsibilities regarding road safety. It also provided research and statistics on the incidence of work related road trauma, presented successful employer case studies, and launched the new 'Driving for Work Guidelines'.

Noel Brett, CEO, Road Safety Authority, said: "The development of driving for work guidelines, a requirement in the Government's Road Safety Strategy, will assist employers in managing their staff's road safety. It provides an overview of legislation, how to carry out risk assessments and highlights the significant benefits for businesses and the wider community when work related road safety is managed effectively."

"Managing staff safety, while driving for work, makes good business sense, especially in the current economic climate as it protects staff and business profits. For example, for every €1 claimed on insurance, arising from work related road incidents, companies may have to pay a further €8 to €36 for uninsured losses," he said.

Mr. Martin O'Halloran, CEO of the Health and Safety Authority added that, "As an employer, you should give your employees proper information and training to protect their safety, health and welfare. This duty extends to employees who drive for work. Not only will a proactive approach help to protect your workforce, it may also save your business significant amounts of money."

Statistically people who drive company cars have between 30% and 40% more collisions than ordinary drivers and this risk increases for those who drive more than 40,000kms a year.

'Driving at work' includes any person who drives on a road as part of their work (not including commuting) either in a company vehicle or their own vehicle, receiving an allowance from their employer for miles driven.