



Prosecutions

Bradford Restaurant Owner Fined

An Indian restaurant owner, Mohammed Aslam, has been fined for failing to take out compulsory insurance that would protect his staff against work related injuries and illnesses.

Mr Aslam, is the owner of 'The Raj', an Indian restaurant on Leeds Road, Bradford. After the second time failing to appear in court the Bradford magistrates proceeded without him.

The court heard how Mr Aslam had ignored a letter from the Health and Safety Executive (HSE). The HSE had requested to see his Employers Liability Compulsory Insurance (ELCI) certificate after receiving information to suggest he wasn't insured. He again ignored the HSE when they served him a notice to produce the certificate.

The Bradford magistrates court were then informed that, after failing to get a response from Mr Aslam, the HSE sent an inspector to the restaurant to speak with him. The inspector spoke with two members of staff, neither of which could provide the ELCI certificate. As a result, Mr Aslam was invited for an interview under caution but once again, he failed to respond.

In his absence, Mr Aslam was found guilty of breaching Section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969. He was fined £2,500 for failing to insure his employees as well as a £1,000 fine for failing to produce an insurance certificate and £2,585.40 in costs.

HSE inspector, Lee Perry, said:

"It's wholly unacceptable for employers not to arrange insurance to cover their employees for incidents or illnesses that can occur because of their work.

"Employers who turn a blind eye to this are playing a dangerous game of chance and whenever HSE becomes aware this is happening, we will not hesitate to take enforcement action."



News

Government Urged Not to Implement all of Lord Young's Review

Health and safety body, the Institution of Occupational Safety and Health (IOSH), has urged the Government not to implement everything recommended by Lord Young in his recent health and safety review.

It said to do so could be opting for 'overly simplistic solutions' for protecting people from injury or illness at work.

Lord Young of Graffham's review findings – 'Common Sense, Common Safety' – were published in October after Prime Minister, David Cameron, ordered a fresh look at health and safety and the perceived compensation culture.

IOSH welcomed the report as a 'long overdue attempt to restore the reputation' of the profession. But in 'Getting the Balance Right' – its response document – the Institution says there are problems with proposals made by Lord Young, and that the review has 'missed opportunities'.

IOSH wants a re-think of the 'tick-box' assessment and checklist regime proposed by the peer for 'low-hazard' workplaces, and more clarity on the definition of 'low-hazard'. There is a lack of clarity, says the Institution, on whether home workers and the self-employed would enjoy the same standards of protection as other workers.

IOSH has called on the Government to introduce clear professional standards for health and safety advisers operating at different levels – whether they work in-house or as consultants.

IOSH is also calling for:

- safety standards to be maintained in the drive to simplify school trip planning
- school, professional and vocational training curriculums to include balanced risk education
- councils to get sound advice on health and safety before the decision whether to ban a public event is made
- more clarity on the scope of the proposal to consolidate health and safety regulations
- a clear, accurate way of capturing the full national picture of deaths, injuries and illness at work
- work-related road deaths, injuries and illness to be included in the reporting regulations
- a full pragmatic review of how multi-site retailers are inspected
- the HSE's role to be reviewed – the regulator is facing a 35% cut under the Comprehensive Review, but Lord Young's proposals would expand its remit.

At the same time, IOSH believes Lord Young's review has missed opportunities. The Institution is concerned that the former Government adviser largely ignored the 'health' in work-related health and safety.

IOSH Chief Executive, Rob Strange, said:

"We welcome the Coalition Government's review, and its scrutiny of what David Cameron describes as the 'damaging compensation culture' that has over-shadowed genuine health and safety issues over the last few years. For that alone it marks a turning point.

"But we urge the Government not to opt for overly simplistic solutions that compromise standards and leave hard-working people vulnerable. Weaken health and safety, and you risk weakening both public health and the national economy."

When the report was published in October, the Government said it would be accepting all the recommendations.



Guidance

Managing Psychosocial Risks with Cleaning Workers

Psychosocial risks for professional cleaning workers include any psychological and social factors that can affect people's health and well-being, such as stress, violence and bullying.

When analysing psychosocial risks faced by cleaning workers it must be taken into account that cleaning work is mainly done by women, with a relatively high proportion of older women and immigrants. Difficulties because of language barriers for immigrant workers and harassment at work for female workers make the situation more complicated.

This e-fact, issued by the European Agency for Safety and Health at Work, focuses on ways to manage psychosocial risks for cleaning workers, including contract cleaners; office, school, hospital and catering cleaners; hotel cleaners/maids; domestic cleaners (those employed by agencies and sent to homes); and day-to-day cleaning in industry. It describes the psychosocial risk factors that workers can experience in their everyday work, outcomes for their health and well-being, and ways of managing these risks.

Legislation

The Council Directive 89/391/EEC of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work, is often referred to as the 'Framework Directive'. This directive, transposed into law in all Member States, has a number of key requirements (mainly concerning risk assessment and employee involvement) which also apply to cleaning workers:

- employers must assess all the risks to workers' health and safety. In the light of the results obtained from this assessment, employers must take any measures needed to prevent occupational risks
- every employer has to ensure the health and safety of workers in every aspect related to the work employees are entitled to be consulted by their employer
- workers are entitled to receive adequate and specialised training in matters relating to health and safety in a situation of serious and immediate danger which cannot be averted, workers may stop work and leave their workplace
- employees are also responsible for cooperation on OSH issues and compliance with such measures.