

## Severity of Health and Safety offences increases with new legislation



The Health and Safety (Offences) Act 2008 came into force in January 2009 and has increased the maximum penalty for health and safety offences and made it easier for those penalties to be imposed. Prison sentences of up to 12 months and fines of up to £20,000 can now be issued for most offences in the lower courts, without trial. Higher courts can still issue prison sentences of up to two years and impose unlimited fines.

The law has not changed the existing legal duties of businesses with regard to Health and Safety but it is designed to deter those that do not take their health and safety management responsibilities seriously and to encourage compliance with the law.

The main changes are

- To raise the maximum fine for most health and safety offences tried in the lower courts to £20,000 (previously £5,000).
- To allow the option of prison sentences for a wider range of H&S offences in both the upper and lower courts.
- To allow some offences that could only be tried in the lower courts to be tried in either higher or lower courts.

Everyone has responsibility for health and safety. If you believe your unit is not complying with the law or there are activities you or your teams are required to undertake that you believe present unreasonable risks of injury or ill health, you must report them to your line manager. Where your concerns are not acted on or taken seriously, you have a duty to raise the issue through your management team. If you discover a problem you must act immediately.

## New Health and Safety law poster

Employers in the UK are required to provide information on Health, Safety and Welfare to their employees by means of a poster or a pocket card. A new Health and Safety Law Poster is now available from the Health and Safety Executive (HSE). The new poster is colourful, easy to read and provides updated information. Research had shown that the old poster was rarely read and therefore, the new colourful poster should highlight key health and safety messages.

These changes have been brought about by amendments to the Health and Safety Information for Employees Regulations (HSIER). The 1989 regulations required the employer to write the name and address of the enforcing authority and the address of the employment medical advisory service on the poster or where a leaflet was provided to include the same information. The new regulations allow the poster to show where this information may be obtained and provides the telephone number of the HSE's Infoline, i.e. 0845 345 0055. The pocket card replaces the old leaflet and provides the

same information. Therefore, the new poster also simplifies the duties of the employer who is no longer required to add additional information to each poster.

Where the information remains correct and readable, there is no immediate need to replace the old poster as it remains valid for almost a further five years, until 5th April 2014.

Please see examples of the old and new posters below.

### Old poster



### New



# Swine flu precautions



Although media attention around swine flu may have lessened in recent weeks, reports indicate that more and more people are catching swine flu and the diagnosis is now symptom based rather than scientifically tested. As winter approaches a second wave of infections is expected.

It is important that everyone is aware of the vital role they play in reducing the spread of swine flu and to

remember the following key messages.

- When coughing or sneezing cover your nose and mouth with a clean tissue each time
- Throw away the tissue after each use
- Wash your hands after discarding the tissue with soap and hot water

All businesses should have contingency plans in place to ensure that your team members know what actions to take if they feel unwell with flu like symptoms. The recommended steps that should be followed are outlined below:

1. Brief your teams that they must report influenza like symptoms to their manager / supervisor.
2. Employees reporting symptoms **must stay at home**. If they are at work, they should be sent home (employees should be advised to contact their GP or NHS Direct for advice - 0845 4647).
3. Should the employee confirm their doctor has identified they are suffering from swine flu then the employee must remain away from work until they are **fully** recovered.
4. Report all such cases to your local HR team.
5. Fully recovered in point 3 above means that the individual is **completely symptom free** and any specific instructions from their doctor have been followed.
6. Ensure you inform your line manager to advise them of the situation at your site or workplace.

**Swine Flu symptoms** have been reported as generally mild in healthy adults although some groups of people have been identified as likely to be at greater risk of serious illness.

They include:

- People aged 65 years and older
- Young children under five years old
- Pregnant women
- People with:
  - Chronic respiratory or heart disease
  - Chronic kidney or liver disease
  - Chronic neurological disease
  - Those with a reduced immune system
  - Diabetes mellitus
- Patients who have had drug treatment for asthma within the past three years

Cleaning surfaces and equipment is an important measure in preventing the spread of Swine Flu. Thorough and routine cleaning of hand contact surfaces are particularly important to help reduce the risk of spreading viruses. A detergent sanitiser with a proven efficacy against flu viruses should be used (check with your cleaning chemical supplier).

- Target hand contact surface cleaning, for example
  - Light and air control switches
  - Toilet flush levers
  - Door knobs
  - TV and radio controls and telephones
  - Public restroom doors
  - Passenger lifts and their controls
  - Hand rails
- Target areas where large numbers of people congregate or pass through, for example:
  - Reception areas
  - Canteen/dining rooms
- Maintain standard procedures for cleaning surfaces in bathrooms and toilets.
- Always read and follow directions of use from the label of the cleaning products you are using.

## New gas safety register



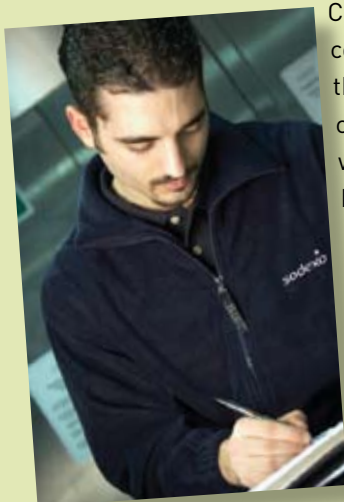
Many unit managers will be familiar with the term CORGI in relation to gas safety engineers. However, from 1 April 2009 CORGI was replaced by a new scheme called the Gas Safe Register.

The Gas Safe Register became the only gas installer registration scheme approved by the Health

and Safety Executive and only those engineers registered under the new scheme will be lawfully allowed to carry out such work. When using any supplier for gas installation or maintenance work you must make sure that they are registered under the new scheme and look for the new yellow Gas Safe logo.

Any work that has already been carried out by CORGI engineers is not affected by this change.

# Contractor management



Contractor Management is concerned with ensuring that when you hire a contractor to undertake work on your behalf, health and safety issues are properly managed in terms of how they affect the contractor's employees as well as your own.

Therefore, there is an onus of responsibility for the welfare of all people who do work for your company

but who are not on your company's payroll. It is imperative that every organisation needs to operate according to clear procedures when hiring contractors.

It is easy to believe that what contractors do and don't do and how that affects the health and safety of their own employees is entirely their own responsibility.

It is true that contractors are responsible for their own employees but it is not true to say that the 'entire' responsibility rests with them. If a contractor is hired to work on your behalf then you also have a responsibility for the safety of everyone affected, including the employees of the contractor.

As a point of interest; smaller organisations might mistakenly believe that this responsibility only applies to larger organisations that frequently have contractors on site, but it is surprising how often small companies hire contractors, even for such mundane tasks as cleaning offices, decorating, maintenance tasks, cleaning windows and the like. The point being, the same laws in regard to contractor safety apply in all instances.

The consequences of this legal liability were highlighted recently in a reported case involving an electrician who was working on a client's site. The case details were reported on the Health and Safety Executive's website. The person, who was employed by a contractor, was electrocuted whilst pulling redundant cables from trunking. Although the client company had safe systems of work in place for its own employees, it failed to ensure its contractors either followed the same safe systems of work or had in place similar arrangements of their own. The significant point in regard to Contractor Safety is that whilst the contracted firm was charged for failings in regard to the health and safety of their own employees, the client was also charged and fined for

failing to ensure the contractor actually had appropriate systems in place.

Responsibilities for health and safety are clearly defined in criminal law. When a client hires a contractor, there may be a written contract in place to define who is responsible for each aspect of the work. However, what such a contract cannot do is to pass the legal responsibilities for health and safety between the client and the contractor. They must both execute their own responsibilities under the law, including where they overlap.

This overlap of responsibility also applies between the contractor and any sub-contractors that are employed. Exactly how far responsibility extends along this chain depends upon the circumstances and therefore the prudent course of action is to **always operate rigorous checking and monitoring procedures.**

In effect, when bringing in a contractor, the client organisation needs to:

- Fully define the work to be done
- Consider the nature and degree of risks associated with the work – this is a typical risk assessment
- Select a contractor who can demonstrate the necessary competencies for the work and who is also operating in accordance with appropriate health and safety systems.
- Decide what training and information needs to be exchanged between all parties involved and who needs to receive it
- Establish appropriate methods to ensure cooperation and coordination between all parties
- Put in place appropriate management supervision, including employee consultation when this might be required.

For further information, please refer to the section on Contractor Safety in safeguard-online.



# Energy management in offices

Simple measures such as turning off un-necessary electrical items have been shown in case studies to reduce electricity consumption by 14% for 'out-of-hours' occupation and 6% less overall. The following energy saving initiatives should be implemented by all office staff during their normal working day as a matter of good practice:

- Turn off your PC monitor at night; do not leave it on standby. PC monitors can represent at least one third of energy consumption in an office.
- Switch off or unplug phone chargers when not required, energy is still been consumed when a phone is not being charged.
- Identify equipment within your department/area that can be turned off out of hours. Check whether printers and photocopiers can be turned off, they may be networked.
- Switch off lights when not needed, especially when leaving a meeting room. Turning off unnecessary lights can reduce energy bills by 19%.
- Inform new starters of these requirements.
- Make sure windows and doors are closed when heating and air conditioning is on.
- Fit energy efficiency bulbs and fluorescent tubes. These typically make savings of 50% and can last 10 times longer. Recommend compact fluorescent lamps and the slimline fluorescent tubes T5.
- Place signs under light switches and air conditioning controls reminding people to turn them off after use.
- Ensure light switches are clearly labelled or colour coded especially if they are grouped together. This ensures people only switch on what they need.
- Install motion sensors to control lighting in places not in constant use, such as toilets and store rooms.
- Use natural light where possible. Ask yourself the question, "Do I need the lights on?"
- Screen savers do not save energy. Switch off your PC monitors if you know you are going to be away from your desk for a period of time during the day.
- Install timers to coffee machines and water coolers to prevent them being left on 'out-of-hours'. Boiling and cooling water uses a considerable amount of energy. Timers cost approximately £7.
- Fit the eCube to food refrigeration units (not domestic units) which can save between 10-20% in energy consumption.
- Report draughty windows and doors to your building manager or energy champion.



## Recommended good practices

The following recommendations are regarded as 'best practice' to reduce energy consumption within an office:

- Nominate an "energy champion" as a single source of contact and somebody who will drive the implementation of initiatives in an office.
- The recommended temperature for an office is 21-23°C. Reducing the temperature by 1°C can cut the energy heating bill by 10%.
- Set the temperature of the air conditioning system 2-3°C above the office temperature setting. Too narrow a band width will mean the air is being heated and cooled more frequently rather than stabilising, this can create an uncomfortable working environment.
- Review your heating programme; ensure you are not heating your building out of working hours.
- Do you need to heat the building at weekend? If not ensure your heating programme is set accordingly.

By monitoring data on the energy consumption in the office, e.g. over half hour periods, energy usage patterns can be determined and the benefits of actions quantified. Periodic communication on current energy usage can be used to raise awareness of the energy consumption within the building.

## Recent prosecutions

### FOOTBALL CLUB FAILED BASIC H&S PROCEDURES

An inspection by environmental health officers in February 2009 of Blackpool Football Club identified that the Club had not carried out any risk assessment or written a health and safety policy to cover the use of the stadium on non-match days. The club was issued with an Improvement Notice to rectify these issues and given 21 days to comply. The club was also given assistance and guidance by the Local Authorities to meet the requirements but upon revisiting the club the EHO found that no measures had been taken to comply with the Improvement Notice.

In September the local magistrates' court fined Blackpool Football Club £8,000 for two breaches of the Health and Safety at Work Act with £500 costs. The club stated that their Safety Officer had been off sick at the time and that they had since appointed a replacement who was completing the required documentation.

### FALLS FROM HEIGHTS

A number of firms have recently been fined for accidents in relation to falls from heights. In one such case a storage rack assembler working for West Midlands Installations Ltd fell 10 feet onto a concrete floor resulting in four broken ribs and minor injuries to his head and neck. The employee was working on the first floor of the storage unit on a step ladder when he lost his balance and fell. There had been no edge protection installed on the unit at the time of the incident.

Dudley Magistrates' Court fined West Midlands Installations £10,000 and ordered them to pay £7,561 in costs. The firm has since changed its procedures and ensures that their workers wear lanyards when working on the roofs of their storage units.

You can contact Safeguard directly for more information about any of the articles appearing in this edition of our Newsletter or for any other health and safety or food safety information you may require. Please note that our offices have moved – please see our new address at the foot of the page. Our telephone number is 0161 872 4781 – please ask for Safeguard.

[www.safeguard-online.co.uk](http://www.safeguard-online.co.uk)

Please note that our offices have moved to The Data Centre, 310 Broadway, Salford M50 2UE