



**EASTWOOD
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INSURANCE BROKERS

Health & Safety Bulletin

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Consultations and Discussions

Why not take the opportunity to influence health and safety policy. Participate in public consultations and discussions, and help make a difference.

There are number of consultations in progress these are:

Consultation on the implementation of EU pesticides legislation

CD230—Consultation on the legislative Reform Order to amend the Health & Safety at Work Act (1974)

CD229 - Consultative document on revision of the Quarries Regulations 1999 approved code of practice

These and others are available to view and comment on via the HSE web site WWW.hse.gov.uk.

Eastwood and Partners Limited Insurance Brokers **Sickness Absence**



Doctors will not be able to declare individuals “fit for work” using the new fit note, due this year. Instead GP’s will be restricted to ticking boxes stating that patients are “unfit for work” or “fit for some work”.

The decision came to light last month in the Department of Work and Pensions (DWP) response to a consultation exercise on the content of the new fit note.

The consultees, which included unions, employers and charities as well as health specialists were divided on the issue. It was

successfully argued by some that doctors do not have enough knowledge of patients work circumstances to definitely declare them fit.

Others were concerned that a “fit for work” statement might be necessary for employers’ liability insurance purposes, but the DWP said it has confirmed with the Association of British Insurers that this is not the case.

Simon Rice-Birchall, partner at lawyers Eversheds, said that the new fit note would benefit employers with well developed

return to work procedures for employees signed off sick. “In contrast, employers who fail to engage with the new approach could find themselves at an increased risk of disability discrimination claims” he warned.

“This is because a new style report might highlight changes that an employer could make to the employee’s duties or workplace that would help them return to work sooner”

We say that it is a great shame that a scheme designed originally to help employees and employers alike seems about to be diluted and mired in controversy.

For those who wish to see the full consultation document go to :

www.lexisurl.com/hsw758

Fluorinated greenhouse gases

The principle objective of the Regulation is to contain, prevent and thereby reduce emissions of F gases.

As well as the EC Regulation, there are ten Commission Regulations which establish fleshed out legal requirements for companies and qualifications for personnel working in five industry sectors covered by the EC Regulation as well as dealing with other requirements relating to leakage checking, reporting and labelling.

The UK has transposed the EC Regulation through its 2009 GB F gas Regulation, which came into force in March 2009.

The Department for Environment, Food and Rural Affairs (Defra) is the lead Government Department on F gas policy.

The Department for Transport (DfT) lead on the use of F gases in mobile air conditioning systems in motor vehicles through the Mobile Air Conditioning (MAC) Directive.

Who is affected by the EC F gas Regulation?

The containment and recovery articles in the EC Regulation impact the commercial refrigeration, air-conditioning and heat pump sectors and the fire protection sector. It also impacts the personnel involved in the installation, servicing and recovery of F gases from these systems, as well as from equipment containing F gas based solvents, high voltage switchgear and fire extinguishers.

Operators of relevant systems have a range of obligations including prompt leakage repair, leakage checking and record keeping and ensuring qualified personnel are used.

The EC Regulation will potentially impact a wider range of F gas users other than those set out above due to the recovery obligation in Article 4.3. It will also impact upon producers, importers and exporters of F gases if they produce, import or export more than 1 tonne of F gases per annum as they will have to report to the Commission and Member States’ competent authorities on the amounts produced, imported and exported.

In addition, specified products and equipment that contain F gases will be subject to labelling

requirements and specific uses of F gases and products that contain F gases are controlled or banned by the EC Regulation.

These cover certain uses of sulphur hexafluoride for magnesium diecasting, use of certain F gases in non-refillable containers, fire protection systems, tyres, one component foams, novelty aerosols, footwear and windows and self chilling cans.

UK Government Guidance and F gas Support

Key obligations in the Regulation have applied in the UK and the rest of the EU since 4th July 2007.

The Government is continuing to work with stakeholders to ensure that the EC Regulation is successfully implemented and its environmental objectives achieved.

Information sheets have been published which provide guidance on compliance with the EC Regulation in relation to individual industry sectors.

F-Gas Support is being run on behalf of Defra and the DAs by LACORS and Enviros.

HSE NOTICES

Risks to Service users known to self-hoist and transfer using ceiling track hoists

The purpose of this safety notice is to alert health and social care providers to potential risks to service users whom are likely to self-hoist and transfer without the assistance of a carer.

The notice is issued as a result of an incident involving the death of a service user. The ceiling track hoist failed whilst the service user was transferring in the equipment, in addition to this, the emergency lowering device also failed and the individual had no means to summon assistance.

In the above situation the service user lived alone and had been provided with a make and model of ceiling track hoist intended for use when a carer was present, thereby enabling someone to summon assistance in the event of an emergency.

Issues raised by this notice should also be considered where a service user is living in other accommodation types including warden-assisted and/or supported living environments as well as other residential health and social care settings (such as care homes or residential nursing homes).

These issues are of particular relevance where care staff and/or support workers are not in attendance when service users are using hoists independently, or where it is likely a service user may try to self hoist when a carer is NOT present.

Where hoisting equipment is provided by a health or social care provider, including any associated equipment such as slings to be used in combination with a hoist, they must ensure so far as is reasonably practicable that:

They have selected the most appropriate equipment available, relevant to the service user's individual needs.

Recent cases

A Sheffield painting company has been fined £2,000 after a worker's seven-metre fall caused life-changing injuries

The Health and Safety Executive (HSE) successfully prosecuted on the 8th February 2010 over the incident which occurred on the 20th June 2007

The company pleaded guilty to breaching 9(2) the Work at Height Regulations 2005 and were ordered to pay the above fine as well £1,000 costs.

The Court heard that the employee suffered multiple fractures to his legs and arm when he fell through a fragile roof surface, the fall happened while the employee was preparing to clean roof lights.

The incident occurred while the employee was pulling water pipes across the roof in preparation to clean, when he fell the seven metres through the roof light onto the workshop floor.

On investigation the HSE discovered that there were no working platforms, guardrails, scaffold or sufficient means of protection provided on the roof or underneath to prevent the fall.

Figures still show that falls from height are a major cause of deaths at work in the UK, with major injuries in excess of 4,000 occurring as a result of a fall from height for the period 2008/2009. The HSE is determined to raise as much awareness as possible to the hazards and risks of working at height so that employers can take sufficient steps to minimise the serious consequences of a fall.

Crane Manufacturer fined following near miss

A crane manufacturer and supplier was fined £10,000 in February after an overhead moving crane dropped a load, narrowly missing the crane operator.

The company based in Ellesmere Port in the Wirral, pleaded guilty to breaching Section 6(1)(a) of the Health and safety at Work Act 1974, the company was also ordered to pay £10,000 costs to the Sheffield Magistrates Court.

The company had supplied a Sheffield based paper manufacturer with a crane to lift reels of

paper, during a routine lifting operation an anchorage point on the crane failed, causing the crane to drop its combined weight of 1.8 tonnes from a height of approximately 1.2metres.

After the hearing the HSE inspector said "it was very fortunate that no one was injured in this incident" and went on to point out that companies that supply lifting equipment must be aware that they will be held to account if the equipment they provide is not well designed or manufactured

News

HSE warns Beware of Illegal Gas Fitters

A bogus gas fitter from Manchester was prosecuted on Feb 10th this year on two breaches of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998, he illegally fitted a gas boiler to a home when not GAS SAFE registered when work was checked numerous defects were found. THE HSE URGE HOMEOWNERS TO BE ON THEIR GUARD

CIEH Level 2 Health and Safety in the Workplace

Congratulations to the following who successfully completed the course held here at Eastwood and Partners in Huddersfield in March:

Steven Plant & Natalie Machin of SS Systems, Andrew Smith & Kevin Haddon of TSL limited & Samantha Linley of Eastwood and Partners

Please contact Mario for details of future courses which can be attended here at our offices or held in your own place of work.

MYTH OF THE MONTH

The HSE bans school ties.



Few parents would see wearing school ties as a safety issue.

After all, millions of kids have been wearing ties for years without any real problems.

Taking simple precautions during laboratory work or around machinery makes sense. But if the concern is about kids fighting, although clip on ties may help, the real issue is discipline.

So no, the HSE don't ban school ties - it's down to the school to make decisions about uniform, not the HSE.