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# Health & Safety Newsletter

Spring 2006

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## Statement of forthcoming regulations in 2006

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### Offshore Installations (Safety Case) Regulations

#### Control of Noise at Work Regulations

Implements the Physical Agents (Noise) Directive (2003/10/EC) which tightens the legal requirements in relation to noise by lowering the exposure action values. The regulations come into force on 6 April 2006 for most industries, but the music and entertainment industry has until 6 April 2008.

### Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations (EIADR)

#### Health & Safety (Fees) Regulations

HSE charges for safety case assessment, inspections and approvals in the "permissioning regimes", ie on-shore major hazards, offshore oil and gas and gas transportation. These regulations update the fees and charges for these regimes.

### Management of Health and Safety at Work and Health and Safety (Consultation with Employees)(Amendment) Regulations

Proposed amendment of Regulation 22 of the Management of Health and Safety at Work Regulations 1999 to exclude the right of third parties to seek damages from employees in breach of their duties under these regulations. The effect of this amendment is to extend the same protection to employees.

### Tank Vehicle (Loading & Unloading of Petroleum Spirit) Regulations

## Bosses urged to cut road journeys in bad weather

Driving for work is now recognised as the most dangerous thing that most people do as part of their job, with approx 20 people killed and 250 seriously injured every week in crashes involving someone driving, riding or otherwise using the road for work purposes. Roger Bibbings, RoSPA's Occupational Safety Adviser, stated that employers should have systems in place to carry out risk assessments to judge if journeys are really necessary, especially during the winter months. Employers should be dealing with the problem as part of their regular occupational road risk assessment and developing practical guidelines for their staff. ■



## Small businesses break New Year resolutions within a month

As part of its 'Better Business Campaign' the HSE commissioned a survey of the New Year's resolutions made by small businesses. The results show that 57% make New Year's resolutions but 21% of these will be broken within 2 weeks and 43% within 4 weeks with costs being cited as a major reason. The results highlight where businesses plan to make improvements. Better financial systems and more effective marketing are seen as most important, followed by staff training and enhanced IT systems – health and safety being towards the bottom of the list. Lord Hunt, Minister for Health and Safety stated that it was a false economy to overlook health and safety and small businesses might stand to lose the most. ■

## Top boss slammed for bid to blame the victims

A business lobby group has claimed a corporate crime law will be bad for business in Scotland and that deaths anyway are more likely to be caused by careless or workers under the influence than by negligent bosses. David Watt, head of the Institute of Directors (IoD) in Scotland, said the majority of accidents were caused by 'human error at a lower level' and were 'more likely to be attributable to alcohol than by individuals acting in a corrupt and homicidal manner'. He added that a new law could drive successful firms out of the country. The statement, ahead of a major conference this week on corporate homicide, was greeted with outrage by unions and campaigners. Kathy Jenkins, a spokesperson for campaign group Scottish Hazards, said: 'Is the IoD seriously suggesting that any decent society would allow directors and companies to get away with killing their workers as an incentive to encourage them to relocate or stay in Scotland?' She added that the IoD's 'fear mongering' was wholly irresponsible, particularly in light of the large increase in workplace deaths in Scotland. Dr David Whyte, a member of the Scottish Executive's Expert Group on Corporate Homicide, commented: 'In 10 years of studying corporate crime and regulation, I have never come across a shred of evidence that supports the argument that corporate killing laws in developed economies encourage companies to leave or directors to go and find another job.' He added: 'In Canada and in Australia, where recent laws have been introduced to deter corporate killers, there has been no capital flight... The Institute of Directors have spun a tale which is completely indefensible and is aimed at scaring the Scottish Executive into dropping the issue.' STUC safety officer Ian Tasker said there was no basis in fact for any of the IoD claims, and added: 'These comments will be extremely distressing to the families of the thousands of workers who have lost their lives through workplace accidents or ill health and we would ask the Institute to support these views with strong statistical evidence.' ■

## Boss jailed over worker's death

A Shropshire building firm boss who showed a 'total contempt' for safety has been jailed for 18 months for the manslaughter of an employee who plunged 30ft to his death. Wayne Davies, 36, who ran Knighton-based A&E Building, employed Mark Jones to help put up steel-framed barns. Mr Jones, 40, was killed when a teleporter machine toppled over. Davies was found guilty in November 2005 of being grossly negligent in his duties as an employer, failing to ensure equipment was properly maintained and failing to ensure the health and safety of employees. The jury cleared him of a charge of failing to ensure persons not in his employment were not exposed to risks. He had denied all the charges. In mitigation, Mr Roger Smith QC said Davies had suffered greatly with his health and finances since the accident, which occurred around the same time as his father's death. However detective inspector Bob Titley, from Staffordshire Police's major investigation department, said: 'Wayne Davies showed total contempt for the safety of his employees and ignored HSE and construction industry guidelines for the workplace. He also dismissed concerns raised by Mark Jones' wife about her husband's working conditions before his death.' Joy Jones, HSE principal inspector said: 'This case is a reminder to all those involved in the construction industry of their legal obligations to manage health and safety. The verdict shows that Wayne Davies failed in both his duty to ensure the safety of his employees and in his responsibility to provide safe and suitable means of working at height.' Davies launched an appeal against his conviction in December. ■

## Haulage boss jailed after death crash

A haulage firm boss has been jailed for offences which came to light after two lorry drivers were killed in a head-on collision in Wiltshire. Raymond Knapman, from Paignton in Devon, was sentenced to two-and-half years at Winchester Crown Court. Knapman had pleaded guilty at an earlier hearing to eight counts of obtaining property by deception. He had persuaded drivers who had exceeded their legal hours behind the wheel to continue working and had taken money from other hauliers for the drivers' services even though some were so tired they had told him they had fallen asleep at the wheel. He also admitted one health and safety offence. The court was told that some drivers had said Knapman, who

helped run R&B Drivers based in Plymouth, had punished them with fewer shifts if they refused to work. Some had taken Pro Plus caffeine tablets to stay awake. His business partner Robert Legg was fined £1,000 with £1,500 costs by the court after he pleaded guilty to a health and safety charge. The offences came to light after an accident that led to the deaths of Mark Chadbourne, 47, and Anthony Best, 62. Mr Chadbourne, who worked for R&B Drivers and was driving for Langdon Transport at the time of the accident, had far exceeded his hours when he careered into Mr Best's lorry on 6 December 2003. Mr Best, who had been driving legally, had no time to avoid the collision. The court heard the company had committed 267 driver's hours and tachograph offences. It was fined £7,500 and ordered to pay costs of £1,500. At a trial last year Knapman and Legg were found not guilty of the manslaughter of Mr Best and Mr Chadbourne on the orders of Judge Brodrick. ■



## Work stress link to heart and diabetes risk

People who suffer from chronic stress caused by their job are more likely to develop heart disease and diabetes, according to a major study. The researchers, writing in the British Medical Journal, investigated work stress and the 'metabolic syndrome' (which includes factors such as obesity, hypertension and high cholesterol) and found evidence of a direct link between stress exposure and ill-health. The 14-year Whitehall II study of more than 10,000 civil servants, aged between 35 and 55 when the research began, showed that men who experienced a lot of stress were twice as likely to suffer from the syndrome as those not exposed to stress. A smaller study of female workers suggested that high stress carried five times the risk. The researchers from University College London concluded: 'A dose-response association exists between exposure to work stress and the metabolic syndrome.' They added: 'Employees with chronic work stress have more than double the odds of the syndrome than those without work stress, after other risk factors are taken into account. The study provides evidence for the biological plausibility of psychosocial stress mechanisms linking stressors from everyday life with heart disease.' The more stress that a person experienced, the higher the chances of suffering syndrome symptoms leading to heart disease and type 2 diabetes. The trend held even after adjusting for other risk factors. Both men and women from lower employment grades were more likely than those above them to have the syndrome. ■

## Hospitality trade joins clamour for total smoking ban

The last vestiges of support for the government's partial smoking ban proposals appear to be ebbing away, as the hospitality trade this week joined forces with doctors to call for a complete ban in all public places. Dr Vivienne Nathanson, head of science and ethics at the British Medical Association (BMA), was joined at a House of Commons press launch by representatives from the British Beer and

Pub Association, Business in Sport and Leisure, and Kevin Barron MP, chair of the Commons Health Select Committee, and together declared a ban not covering certain pubs and clubs would be unworkable and unethical. The groups said a partial ban is also likely to provoke a raft of litigation, as workers in membership clubs fight for the same rights as other workers enjoying protection from the health hazard of secondhand smoke. Rob Hayward, chief executive of the British Beer and Pub Association, said: 'Exempting Britain's 20,000 members' clubs from a smoking ban that affected



all pubs would be grossly unfair on the pub trade, and make no sense in terms of protecting people from secondhand smoke. Clubs, including sports clubs, and their employees are covered by every other piece of employment law and health and safety law. Why should they be excluded from this law?' Dr Nathanson said: 'Doctors know that only a comprehensive ban will work, the hospitality industry agrees, MPs of all parties on the Health Select Committee agree - who can be left in any doubt? Not only is a complete ban the only acceptable course for health, it is the only acceptable course for the economy.' ■

## Homeworkers' health and safety

More people are working from home than ever before and this presents employers with additional health and safety considerations.

Office workers in particular are staying away from their normal base for at least part of the working week, using a phone and computer at home to allow greater flexibility and to avoid congestion problems.

*Most health and safety at work regulations apply equally to homeworkers as they do to those operating from their employer's premises. Another issue that can be overlooked is risk assessments, as can many of the hazards which exist in the office at home.*

### The growth in working from home

More people are working from home than ever before and this presents employers with additional health and safety considerations.

Statistics from the Department of Trade and Industry have shown that there are now more than 2 million homeworkers in the UK - around one in 14 of all people employed. Between 1997 and 2001 the number of people working from home increased by 70% and numbers continue to rise.



Office workers in particular are staying away from their normal base for at least part of the working week, using a phone and computer at home to allow greater flexibility and to avoid congestion problems. Interestingly, the largest numbers of homeworkers now fall into the professional, managerial and senior officials and associate professional and technical groups.

The Health and Safety at Work etc Act 1974 (HSWA) places duties on employers, self-employed people and employees. Under HSWA, employers have a duty to protect the health, safety and welfare of their employees, including homeworkers.

Indeed, most of the regulations made under the HSWA apply equally to homeworkers as they do to those operating from their employer's premises. These include, for example, the Management of Health and Safety at Work Regulations 1999 (MHSWR), the Display Screen Equipment Regulations 1992, the Manual Handling Operations Regulations 1992 and the Provision and Use of Work Equipment Regulations 1998 (PUWER).

One area that is occasionally overlooked is a requirement under the Management of Health and Safety at Work Regulations 1999 for employers to undertake a risk assessment of the work activities carried out by homeworkers.

Completing a risk assessment involves identifying the hazards relating to the homeworkers' work activities and deciding whether

enough steps have been taken to prevent harm to them or to anyone else who may be affected by their work. The Health and Safety Executive (HSE) describes a risk as "the chance, great or small, that someone will be harmed by a hazard". A hazard, say the HSE, is "anything that may cause harm".

Articles in this feature look at carrying out a risk assessment and explore some of the common hazards that exist in the office at home...

### Assessing the risks of homeworking

In general, there are five steps that employers must take to ensure that a proper risk assessment is carried out in any place of work. These are:

1. Identify any hazards
2. Decide who might be harmed and how
3. Assess the risks and take appropriate action to remove them or reduce them as far as possible
4. Record the findings
5. Check the risks from time to time and take further steps if needed

When it comes to identifying homeworker hazards it may be necessary for employers to visit the workers home to carry out the risk assessment. While it is possible for homeworkers to help identify the hazards without the need for a visit, employers should be aware that the duty rests firmly with them. Well-designed self-assessment forms can be helpful here. Employers can of course use risk consultants or other "competent" service providers to undertake an assessment on their behalf.

*In deciding who might be harmed and how, the HSE reminds employers that they must consider not only to the homeworker but "members of the household, including children or visitors".*

When assessing the risks, if employers come across a hazard they must decide what steps have to be taken to eliminate, or reduce the risks as far as possible. What then happens depends largely on whether the hazard is considered low risk or high risk.



Employers can determine this by looking at what type of harm or injury may arise and how often it may happen. For example, there is greater risk of an accident from loose trailing wires if there are children in the home.

Employers may be able to remove the hazard altogether or take steps to lower the risk to an acceptable level. In the case of loose wires, they could be tucked away under a desk or table, or secured neatly around furniture out of the way.

Employers must also note that if they have five or more employees, including homeworkers, they are required by law to record the significant findings from a risk assessment. They must note down what steps need to be taken and inform homeworkers, or anyone else affected by the work being done, about the findings.

Even if employers have less than five workers, they may choose to record those significant findings as it may prove to be useful in the event of an unforeseen incident and a subsequent HSE investigation.

Finally, the HSE say that it is important for employers to check their risk assessment from time to time, especially if there is a change in working procedures. "The assessment needs to take into account any new hazards that may cause harm to the health or safety of homeworkers, or other people affected by a change in working conditions."

### Use of equipment for work at home

A common feature of the modern dwelling is the "home office", which is often equipped with separate phone, fax, copying and computer facilities supplied by the employer.

The HSE say that employers that provide homeworkers with equipment to carry out their work have a duty to ensure that:

- ♦ The equipment is correct for the job that is being done

- ♦ Proper information and training is given on how to use the equipment, so that the job can be done properly and safely
- ♦ The equipment being used is checked regularly and kept in a condition that does not cause harm to the homeworker or others
- ♦ Those people who are testing the equipment or training the homeworker are properly trained themselves, so that they provide the correct information and training
- ♦ Any necessary personal protective equipment and/or accessories that are provided
- ♦ The equipment has the right controls to allow the work to be done safely; for example the controls should be clearly marked and properly positioned
- ♦ Checks on equipment are carried out safely; for example machines are switched off while being checked

The Provision and Use of Work Equipment Regulations (PUWER) 1998 cover the use of work equipment in the home. It should be noted that if employees are authorised to use their own equipment to work, such as their own mobile phones or electronic organisers, these too are covered by PUWER and an employer will need to ensure that they comply with the Regulations.

Use of electrical equipment usually presents the greatest safety hazard for home office workers. When supplied by the employer it is they who are responsible for maintenance. However, electrical sockets and other parts of the homeworkers' domestic electrical system are their own responsibility.

Hazards associated with electrical equipment include damaged or badly wired plugs, inadequate domestic electrical systems, overheating and homeworkers attempting to repair equipment themselves. Trailing wires and faulty equipment are especially hazardous. Employers should make themselves aware of the Electricity at Work Regulations 1989.

#### Working with display screens at home

Most home office workers use computer equipment to carry out their work. Here, the safe use of display screens is an important consideration for employers.

The Health and Safety (Display Screen Equipment) Regulations 1992 place a duty on employers to ensure that display screen equipment used by workers is safe and does not affect the user's health.

It is particularly important that homeworkers are able to adjust their workstation to a comfortable position and are advised to take regular breaks from work. This will help prevent undue tiredness. Also, remembering to stretch and change position regularly can help to reduce tiredness and prevent pains in the hands, wrists, arms, neck, shoulders or back.

Display screens should be placed where lighting does not cause reflections or glare on the screen. It is equally important for homeworkers to view the screen comfortably and they may need different spectacles in order to do this. Homeworkers should consult their GP or an optician if in doubt. Display screen users can request an eye examination and eye test from their employer.

The HSE provides the following basic checklist for employers when assessing the risks to homeworkers from use of display screens:

- ♦ Is the screen clear and readable, and without flicker?
- ♦ Is the screen free from glare and reflections?
- ♦ Are the brightness and contrast controls properly adjusted to prevent eyestrain?
- ♦ Is there suitable lighting so that the fine detail on the screen can be seen and read?
- ♦ Is the keyboard placed in the right position to allow the homeworker to work comfortably
- ♦ Is the screen and computer clean; is it free from dust and dirt?
- ♦ Can the chair be adjusted to the right height so that work can be done comfortably?

- ♦ Is the display screen placed at the right angle on the desk to allow work to be done comfortably, for example without having to make any awkward movements?
- ♦ Is there enough space under the desk to allow free movement?
- ♦ Is there enough space in general so that the homeworker can move freely between the work on the desk and the workstation?

#### Working in isolation

A generally accepted definition of a homeworker is one that works from home at least one day per week.

However, some homeworkers spend a lot of time at home, visiting the main office of their employer only occasionally. In such circumstances it is important that employers consider what the HSE calls "lone worker" issues. Lone workers are those who "work by themselves without close or direct supervision", a description which may apply to some, but not all, homeworkers.

Certainly there is no general legal prohibition from working alone, although general health and safety requirements must be considered. For example, supervision should be considered as part of a risk assessment.

Generally, working alone in a clerical type job is not thought of as "high risk" when compared with work involving hazardous substances or tasks such as working with chemicals or electrical equipment. As such, physical supervision may not be necessary.

However, employers should ask themselves whether or not the individual homeworker is suitable to work without supervision for periods of time. Additional training may be required and employers should not forget that stress could result from working in isolation for extended periods.

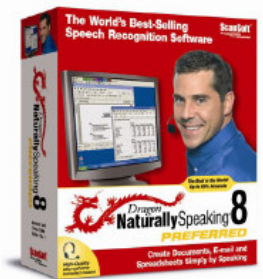
One regulation that must be considered is the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR 95). The RIDDOR regulations place a duty on the employer to report and keep a record of certain work-related accidents, injuries, diseases and dangerous occurrences.

Employers have a duty to ensure that they find out about accidents, injuries, diseases or dangerous occurrences arising from work-related activities. ■

#### Voice activated software is available for people who are experiencing any upper limb injuries.

The voice activated software frees you from your keyboard. It enables you to control your computer with the sound of your voice by allowing you to dictate into virtually any windows-based application. You can also edit documents, control applications and manage your desktop, all by speaking. The software also works on the Microsoft outlook application and allows you to navigate the web by simply saying the web link. There is a variety of voice activated software available on the market.

The set up is simple, but time consuming. The program will need to be installed via the CD ROM drive and connection to the web is required. To get the best results, the most important step in the setup is the voice recognition process. By speaking into the mouth piece, your voice is converted into text. It takes approximately an hour reciting a series of prescribed sentences that the program then uses to recognise how the user says words and sounds. The speech recognition software will then show how accurate your speech is being interpreted.



## Frequently Asked Questions

### Can it be affected by background noise?

If background noise is a particular issue then a higher specification microphone (other than that supplied) will be needed.

### What about technical jargon?

Modern voice recognition systems already “know” thousands of words including much specialist language from the legal and medical fields. New words and phrases can be added and trained easily.

### Is “voice strain” a risk?

When working with speech recognition systems, steps should be taken to minimise strain: sit comfortably; speak at a normal pitch/volume; take breaks and drink regularly.

### Do colds affect the quality of voice recognition?

Some people’s voices change when they have a cold and this may result in slightly worse recognition. Also sore throats often make it uncomfortable to speak.

### Can the software be used to transcribe meetings?

No - they only work with one speaker at a time.

### Can recording devices be used with speech recognition systems?

Yes – speech recorded onto pocket sized recorders can be transferred onto a PC and then “transcribed” to text. ■

## RSI Case Study

A pre employment assessment on a prospective member of staff revealed hand pain. She had been referred for specialist investigations and diagnosis. Her symptoms weren’t constant but they became exacerbated by intensive keyboard use.

The job involved computer use for long periods preparing reports and analysing data using Excel. It was obvious that intensive keyboard use would be likely to cause problems until she received treatment for the problem. She was given speech recognition software and allowed the time to learn how to use it effectively.

On review 3 months later she had settled into her Job and reports from her manager were very encouraging. Her specialist diagnosed Carpel Tunnel Syndrome, but was reluctant to perform surgery on her at this time. She was positioned in a quieter corner of an open plan office and, along with a good quality headset, she was able to use the software to its full potential. As she avoided the trigger, her symptoms of hand pain were well controlled.

## Protect yourself against colds and flu

Many people expect to battle with colds or influenza during winter. By taking a few precautions you can reduce the risk of being grounded!

### The common cold

More than 200 viruses are known to cause common colds. The cold virus can enter the body through the mouth, nose and can be transmitted by hand-to-hand contact. Cold viruses infect the upper respiratory tract with symptoms usually starting two or three days after infection.

Symptoms usually include a runny nose, sneezing, a sore throat, a mild cough and headache. Temperature rarely rises above 38°C. The inside of the nose may start to swell and hurt, the nose runs more and the skin feels sensitive. On the whole



you can expect to recover completely in a few days without any medical attention and with no lasting ill-effects.

## Influenza

Influenza (flu) is a much more serious viral illness which affects approx 10-15% of the population annually. It infects the nose, throat, bronchial tubes, and lungs. Flu is spread by coughing and sneezing when tiny amounts of the virus enter the body normally through the nose or mouth.

Symptoms first appear a day or two after infection and can include tiredness, chills and fever, runny nose, sore throat and cough. Headache and muscle pain are also common and temperature can rise as high as 40°C. You are most infectious when running a fever. It is important to isolate yourself to reduce the likelihood of passing the virus on to others. It is not uncommon to feel weak or tired for a week or so after your temperature has returned to normal and all your symptoms have disappeared.



### Vaccine

The flu vaccine changes every year. It is available on the NHS for people with serious on-going health problems such as diabetes, heart disease, lung and breathing problems such as asthma and bronchitis. Anyone in this risk group should see their GP now to arrange vaccination. It is essential you protect yourself as soon as possible to prevent more serious health problems.

### Avoiding Colds & Flu

The simplest way to avoid prolonged bouts of coughs and sneezes is to try and stay as fit and healthy as possible.

- ♦ Try and avoid spending too much time in the presence of people with sniffles, sneezes or coughs.
- ♦ Regular hand washing reduces the chances of picking up a winter viral infection. Wash your hands after touching surfaces frequently used by other people.
- ♦ If you have a cold or cough then use a tissue and throw it into a bin.
- ♦ Maintain a well balanced diet, including 5 portions of fruit/vegetables per day. Some people find that herbal or vitamin remedies either help them avoid catching colds and flu or help them to recover quicker. While there is no evidence that this is the case you might find it works for you.
- ♦ Get regular and adequate sleep.
- ♦ Germs remain in warm stale stagnant air; open windows when weather permits to circulate fresh air.
- ♦ Avoid smoky atmospheres; cigarette smoke is a respiratory irritant that increases susceptibility to the viruses that cause colds and the flu.
- ♦ Keeping warm at all times, particularly if you go out, wearing several layers of clothes is more effective than, for example, one big, chunky jumper.
- ♦ Maintain a regular exercise routine throughout the winter months.

### Treating Viral infections

Antibiotics do not work against colds or flu. The best treatment is rest and symptom control – as much as 12 hours or more per night. Taking paracetamol or ibuprofen may help reduce temperature and discomfort. Take care when taking cold and flu preparations as they may already contain aspirin or paracetamol. Nasal congestion and sore throat can be temporarily relieved by taking over-the-counter cold medications; you can also keep nasal mucus thin and easy to clear by drinking plenty of fluids.

### Secondary infections

Colds and ‘flu do not ‘turn into’ bacterial infections like pneumonia, but some people do develop secondary bacterial infections, often in the sinuses, ears or lungs which require medical attention and antibiotic. ■

The next newsletter is due out in May/June.

Please let us know if there are any particular topics that you would like us to include.