

Occupational Health and Health & Safety Update

A quarterly bulletin

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Changes to first aid training

Revised guidance for first aid training organisations, incorporating the changes to first aid training, is now available on HSE's website (www.hse.gov.uk/firstaid/training-guidance.htm). Full implementation of the changes will start from 1 October 2009. Revised guidance for employer duty holders will be available from this date. Responses to some common questions about the changes can be found at: www.hse.gov.uk/firstaid/review/trainingfaq.htm

The changes will mean updating the schedules to your Certificate of Approval outlining the conditions of your approval. The updated schedules will be published on HSE's website – you should download them and keep a copy with your current certificate. The revised schedules will take effect from 1 October 2009. From this date, when you apply for a certificate renewal, you will be issued with the revised version. Provision of offshore first aid and offshore medic courses will not be affected by the changes to training.

Employers need to arrange retraining before First Aid at Work (FAW) certificates expire. Where first aiders retrain during the three months before the certificate expires, the new certificate should take effect from the expiry

date and last for three years from this date. Where retraining is earlier than this three month period, the new certificate should take effect from the date the course is completed and last for three years from this date.

Where first aiders do not complete their retraining before the expiry date, they should complete it no more than 28 days beyond the expiry date. The new certificate should be dated from the expiry date of the previous certificate and last for three years from this date. The 28 day certificate extension can be applied irrespective of the circumstances which led the first aider to go beyond their certificate expiry date before requalifying. If a first aider cannot complete the training by the end of this 28-day period they will not be allowed onto an FAW requalification course and will have to undertake the full FAW course to obtain a new certificate.

Where FAW trainers need a new FAW certificate, it is not acceptable for them just to take the final practical assessment. They should attend an FAW requalification course delivered by another trainer and successfully complete the final assessment.

HSE newsletter July 2009

Course	Under current regulation	After 1 October 2009
Emergency Aid for Appointed Persons. Workplaces where an appointed person is required to take charge in the event of an illness or accident.	The Emergency Aid for Appointed persons is not a regulated course. The regulations recommend that an appointed person in the workplace has some first aid training.	Where an employer has found they need an appointed person under the old regulations, they may find that after 1 October 2009 they need an emergency first aider in the workplace (EFAW). This is a new course requiring 1 day of training and requalification every three years.
First Aid at Work (FAW). This course covers the practical skills needed by a first aider in the modern workplace. The course gives the trainee the confidence and knowledge to deal with first-aid emergencies.	Four days every three years.	Becomes three days every three years but still covers the important life-saving techniques and treatment for minor injuries that are common in the workplace.
FAW requalification updates and refreshes knowledge of the first aid at work syllabus, while allowing time for revision.	Two days every three years.	The course will remain unchanged at two days every three years.
Annual refresher. This provides an opportunity to practice and update skills during the three year period as a qualified first aider.	This is currently a general recommendation for some refreshment of life-saving skills between FAW courses, but course content and duration aren't specified.	The HSE strongly recommends that FAW and EFAW students attend a three hour session annually.



'No progress' on RSI at work

The Chartered Society of Physiotherapy (CSP) is calling on the government to encourage employers to do more to prevent repetitive strain injury (RSI). The physios' union says latest figures from the Health and Safety Executive (HSE) show there has been little progress in tackling RSI in the last six years. It says of the 213,000 people suffering a work-related RSI in 2007/8, over a third (81,000) were new cases. The figure for 2001/02 was similar, the union says, with 87,000 new cases in the total of 222,000 people in work with RSI.



CSP says employers are giving too low a priority to prevention. It cites studies showing only 12.5 per cent of employers provide rehabilitation services and as few as 6.5 per cent of small businesses provide any access to occupational health services for their employees. TUC's latest safety reps' survey found that 40 per cent of workers felt RSI was a top concern.

CSP is calling on the government to make the provision of occupational health services a legal requirement. CSP spokesperson Pauline Cole said: "There is a clear opportunity for employers to do more to provide occupational health services both with regard to prevention of RSI and rehabilitation. The CSP is calling on the government to both encourage and enforce measures to address this with legislation, combined with incentives and best practice guidance. We may then, after the frustration of many years of no progress, begin to see some reduction in the rates of this almost completely preventable condition."

John Cridland, deputy director general of the CBI, said the business body was opposed to a new duty to provide occupational health cover, saying "placing a statutory requirement on all employers would place a huge burden on businesses, especially small and medium-sized firms, which are already struggling during the recession. Instead, the focus should be on improving information and support on appropriate prevention strategies."

TUC Newsletter – 28 February 2009

Successful claim over 'inadequate training'

A school caretaker has recently successfully sued his employer after falling six feet from a ladder and suffering serious injuries. The caretaker had received work at height training from his employer but claimed that the training was inadequate. This case provides a number of important reminders for all employers regarding common deficiencies of health and safety training. The caretaker, who made a claim for £50,000, admitted that he had indeed received health and safety training in how to use the ladder in question, confirming to the court that he had signed the employers training attendance form to say he had received ladder training. However, the claim was based on an argument that he still did not know how to work safely – because he had not covered the essential points. When the caretaker was pressed on why he had signed the record of attendance at the training if he felt he could not work safely he said that when you are given something to sign by your superior you just sign it.

At the heart of this case was a dispute over what the caretaker had, or had not, been taught. Crucially, the employer was unable to prove their point because the only thing they recorded was that training had been provided but not what had been learnt. The caretaker told the court that he had been asked to fill in a form ticking boxes to say he had received training, including ladder safety, and then to sign this. Whilst this type of training attendance record is very common it falls short of the Health and Safety executive (HSE) best guidance on the subject. For example, the HSE guidance leaflet – 'Health and safety training what you need to know', outlines a five step model – the fifth step being 'check that the training has worked'. As a minimum, this means testing trainees at the end of training sessions to check that they have understood and retained the information they have been provided.

Human Focus – spring 2009 Issue 101

HSE warns businesses not to be misled over new law poster

The Health and Safety Executive (HSE) is warning businesses across Britain not to be duped into buying unnecessary and overpriced copies of its health and safety law poster.

The poster is a fixture of every workplace in Britain and employers have a legal duty to display the poster in a prominent position or provide each worker with a copy of a Law pocket card. Both outline employer and workers responsibilities and where workers can seek advice.

There is some evidence of misleading promotions wrongly claiming that the old poster must be replaced immediately and that the new law poster should be displayed on every notice board within the business' premises.

This is incorrect and employers could be led to believe that they are not meeting their legal requirements. Employers can check they have a genuine HSE law poster by checking the unique, serially numbered hologram on each poster.

The Health and Safety Information for Employees Regulations allow businesses five years to switch to the new poster and pocket cards – they must be replaced by no later than 5 April 2014. Employers who choose to display the old poster after 6 April 2009 must make sure it is legible and keep the addresses of the enforcing authority and the employment medical advisory service up to date.

HSE Website - 6 July 2009

Directors duties

Calls have been renewed to put directors' duties on a statutory footing, after an HSE-commissioned study indicated that the voluntary code, published in October 2007, had failed to make an impact among company directors. But manufacturers' organisation, EEF, has urged the government to resist such pressure, pointing to conflicting findings that directors of manufacturing companies are, in fact, taking their responsibilities more seriously.

The HSE study, undertaken by Databuild, aimed to assess the extent to which directors are aware of the joint HSE-Institute of Directors' voluntary code on directors' duties on health and safety. The Executive has warned employers that they have until 2010 to demonstrate that the voluntary approach works, or face a change in the law.

Telephone interviews, which took place over the summer, found that just one in four directors, or equivalents, were even aware of the guidance – although in larger organisations this figure rose to 40 per cent. Penetration was greatest in the NHS sector (54 per cent) and weakest in hotels and catering (19 per cent). Awareness was also low in the relatively high-risk sectors of manufacturing (24 per cent), and transport and communication (26 per cent). One in three construction companies surveyed knew of the guidance. Half of those aware of the publication had read the guidance, and, of these individuals, half had taken, or planned to take, further actions. The findings have prompted construction union UCATT to reiterate its call for statutory duties to be introduced. General secretary Alan Ritchie said: "Once again it has been shown that construction companies have complete contempt for the voluntary code. This is not arguing over bits of papers. The introduction of statutory directors' duties would help make industries like construction safer almost overnight."

However, the EEF has urged the government to resist pressures for new legal duties on directors, after a survey of its members painted a different picture. According to EEF's 2008 health and safety survey, directors in more than 80 per cent of companies are actively involved in managing health and safety, while more than 75 per cent of firms are discussing health and safety at board meetings. Moreover, in the last three years, there has been a 40 per cent rise in the number of boards who monitor health and safety management as part of their key performance indicators.

Commenting on his organisation's research, head of health and safety policy at EEF, Steve Pointer, said: "This survey shows that active leadership by directors is now very definitely the norm, not the exception. He continued: "The law already allows directors or managers to be held to account if their personal actions put someone at risk. Adding specific requirements, such as appointing a single director to be charged with managing health and safety, could only be counter-productive. It would send a message that fellow directors can forget all about health and safety, which would be disastrous."

He described the Databuild survey "as an important first step", but criticised its methodology, saying "asking busy people about awareness of a leaflet does have limitations". The head of the HSE's Business Involvement Unit, Tony Bandle, accepted that "these are trying times for businesses, their suppliers and customers", but encouraged other industry leaders to take advantage of the HSE/loD guidance, which, he said, was written "by business people for business people".

SHP Online - 10 February 2009

Snippets

Free of charge publications (HSE website)

The HSE plans to make its charged-for publications available free of charge online from this autumn. The executive will begin to post around 25 publications, including the "L" series of approved codes of practice (ACoPs) to health and safety regulations, on its website in Adobe PDF format, starting from 1 September.

A man has died after falling into a vat of melted chocolate (CNN 9 July 2009)

An employee at a New Jersey chocolate processing plant died after falling into a vat of hot chocolate, according to a spokesman for the Camden County Prosecutor's Office. Vincent Smith II, 29, was dumping raw chocolate into the vat for melting when he fell in from a nine foot high platform. He suffered a fatal blow to the head from the vat's agitator, a paddle-like mechanism used for stirring the chocolate.

Corporate Manslaughter case begins (IIRSM August 2009 newsletter)

The country's first corporate manslaughter case began recently. Peter Eaton and his company Cotswold Geotechnical Holdings are being jointly charged under the 2007 Corporate Manslaughter Act following the death of one of the firm's junior geologists. Judge Thomas Crowther QC granted Eaton unconditional bail until the next hearing before Bristol Crown Court on 19 August when a plea will be returned.

Bakery binned arm (HSW magazine August 2009)

Spanish trade union, Workers Commissions, is suing Rovira bakery in the eastern Valencia region for allegedly throwing the severed arm of an employee in the bin after a work accident, then resuming production. Franns Rilles, an illegal migrant worker from Bolivia, had his arm amputated on 28 May 2009 in an incident involving a kneading machine. The police found the arm the next day, said the union, but it was too late for doctors to save it.

Smoking boss fined (HSW magazine August 2009)

A company owner has been fined for smoking in his office. In November 2008, enforcement officers warned Metric Scaffolding in Preston, Lancashire, about its responsibilities under the smoke-free laws after the council received a tip-off that the firm's staff regularly smoked in the office and in company vehicles. When they returned to the premises in January this year, officers caught operations director Martin Lenehan smoking at his desk. Lenehan refused to pay an on-the-spot penalty of £50. On 11 June 2009, South Ribble magistrates found Lenehan guilty in his absence of smoking in a smoke-free place, and fined him £175 plus £75 costs.

Health and Safety services

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- health and safety inspections
- workplace risk assessments, including fire, manual handling, ergonomic workstation assessment etc
- specialist surveys and assessments, including noise surveys, temperature and humidity surveys, the assessment of health surveillance requirements etc
- review and development of health and safety policy documentation
- telephone advice and support
- health and safety training, including fire, first aid, food hygiene, manual handling, COSHH, risk assessment etc.

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