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PFEW Health & Safety Bulletin  
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## HSE e-bulletin, November 2009

### New look Stress Website

The site has changed its look as part of a HSE wide update. The new look aims to make navigation easier and helps link related information through 'Resources' and 'See Also' sections on the right of each page.

<http://www.hse.gov.uk/stress/index.htm?ebul=stress/nov09&cr=03>

### New leaflet

A new free leaflet has been produced by HSE and our partners. The leaflet replaces INDG406 - 'Tackling Stress: The Management Standards Approach' and Misc714 - 'Making the Management Standards Work'

<http://www.hse.gov.uk/pubns/indg430.pdf?ebul=stress/nov09&cr=04>

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## HSE E-Bulletin – 2 November 2009

### ASBESTOS

++ Asbestos: The Hidden Killer ++

A new generation of workers are at risk

<http://www.hse.gov.uk/asbestos/hiddenkiller/index.htm?ebul=hsegen/02-nov-2009&cr=2>

### STATISTICS

++ Statistics - big improvements in Britain's record ++

Britain became a healthier/safer place to work last year, according to figures released by HSE.

<http://www.hse.gov.uk/press/2009/statistics.htm?ebul=hsegen/02-nov-2009&cr=4>

++ Health and safety statistics 2008/09 ++

The latest statistics on work-related health and safety in Great Britain for 2008/09.

<http://www.hse.gov.uk/statistics/index.htm?ebul=hsegen/02-nov-2009&cr=5>

## **STRESS**

++Tackling work-related stress - revised guide ++

Guide for employers on making the Management Standards work.

<http://www.hse.gov.uk/pubns/indg430.pdf?ebul=hsegen/02-nov-2009&cr=7> [PDF 187KB]

## **NEW NUCLEAR POWER**

++ Third GDA Quarterly Report for 2009 ++

Update on our work to assess new nuclear power station designs.

<http://www.hse.gov.uk/newreactors/reports/gda-q3-09.pdf?ebul=hsegen/02-nov-2009&cr=14> [PDF 206KB]

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## **Workplace Law Bulletin – 5 November 2009**

### **Report highlights need for risk assessments of all workers**

The European Agency for Safety and Health at Work (EU-OSHA) has published a new report on the need to carry out inclusive risk assessments which take into account the diversity of the workforce.

The report – [Workforce diversity and risk assessment: Ensuring everyone is covered](#) – aims to describe why and how risk assessment can and should cover the whole workforce, and to increase awareness among those responsible for and affected by health and safety at work about the importance of assessing the risks of all workers. The report is aimed mainly at those who are responsible for carrying out risk assessments and/or are involved in the process.

It includes examples of prevention of risks for specific groups of workers, such as migrant workers, disabled workers, young and old workers, women and temporary workers.

The report is part of the Healthy Workplaces Campaign, a two-year EU-OSHA campaign which aims to promote an integrated management approach to risk assessment.

### **Help provided on National Stress Awareness Day**

Today is National Stress Awareness Day, organised by The International Stress Management Association (ISMA). The aim of the day is to raise awareness of the debilitating effects of stress to the general public and in the workplace.

In association with Government and organisational sponsors, including the HSE, members of ISMA will be in attendance today at venues throughout the UK and Ireland to talk to people about the effects of stress and how it can be managed and reduced.

According to the HSE, in 2007/08 an estimated 442,000 individuals in Britain believed that they were experiencing [work-related stress](#) at a level that was making them ill, and work-related stress, depression or anxiety accounted for an estimated 13.5 million lost working days in Britain.

All employers owe a legal duty of care to their employees. Injury to mental health is treated in the same way as injury to physical health.

Ann McCracken, Chair of AMC Mentoring, a member organisation of the ISMA, outlined what she sees as the seven main causes of workplace stress:

1. Pressure from excessive demands.
2. Lack of personal control over rate and type of work.
3. Distressing relationships including harassment and bullying.
4. Lack of support from colleagues or manager.
5. Uncertainty of your role.
6. Lack of communication of how change is to occur.
7. Personality traits of the employee, e.g. perfectionist, stress transmitter / worrier, negative thinker etc.

Through its [Management Standards](#), the HSE urges employers to carry out risk assessments and implement measures to eliminate or control workplace stress and avoid criminal prosecution.

### **Call for more pro-active approach to mental health at work**

The Chartered Institute of Personnel and Development (CIPD) has called for employers to take a more pro-active approach to mental health issues in the workplace.

The call comes following a survey of over 2,000 employees, which found that more than a quarter of UK workers describe their mental health as moderate or poor, with more than 90% of those suffering from poor mental health saying it affects their performance on the job.

Among those that describe their mental health as poor, 12% say this is the result of problems at work, while 32% believe it is a result of problems outside work and 56% think it is a combination of the two. Although more than half (56%) of the surveyed employees with

poor mental health say they have taken time off sick as a result, almost all (98%) continue to attend work regularly.

Only a third (37%) of workers say their organisation supports people with mental health problems well.

The findings of the CIPD Employee Outlook survey, conducted by YouGov, also highlighted the impact poor mental health has on employee performance. Nearly four out of five employees (78%) with poor mental health said they find it difficult to concentrate at work as a result of their illness and 57% say they take longer to do work. Exactly half of the respondents said that they put off challenging tasks as a result of going in to work with poor mental health. Almost half (46%) reported that they are less patient with customers and clients while 41% think poor mental health interferes with their ability to make decisions and 36% believe they are more likely to get into conflict with colleagues.

Ben Willmott, Senior Public Policy Advisor, CIPD, commented:

“The survey findings provide compelling evidence for why employers need to become more pro-active in how they manage mental health at work. Common mental health problems such as stress, anxiety and depression are one of the main causes of time lost to ill health. However, in many ways it is the time people suffering from mental health problems spend at work employers should focus more efforts on managing better.

“The starting point for addressing poor mental health at work is good people management by front-line managers and supervisors. Managers can be part of the problem or part of the solution. Managers that put excessive workloads on staff or have a bullying management style are likely to either create or exacerbate mental health problems at work. In contrast, managers who communicate well and consult, coach and develop their staff are more likely to support positive mental health and resilience in the people they manage.

“Managers are also the people in organisations that should spot the early warning signs, such as changes in performance or behaviour which might indicate someone is not coping at work. Managers can ensure that people with mental health difficulties are referred to occupational health where these services are available or advise them to see their GP if they have not already done so at an early stage before their problems escalate. In some cases, managers may even be able to help people cope with their problems through informal counselling.

“The Government also has a role to play in ensuring that talking therapies, such as different forms of counselling, are available for people suffering from poor mental health at an early stage before their health deteriorates to the point they have to take long periods of time off work sick or fall out of employment altogether.”

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**Workplace Law bulletin – 6 November 2009**

**New guidance for employers on mental health at work**

The National Institute for Health and Clinical Excellence (NICE) has today issued [guidance for employers](#) on promoting mental wellbeing at work. The guidance aims to help reduce the estimated 13.7 million working days lost each year due to work-related mental health conditions including stress, depression and anxiety, which are currently estimated to cost UK employers around £28.3bn per year at current pay levels.

The guidelines are mandatory for NHS employers to follow and recommended for employers in all sectors.

The NICE guidance encourages employers to take a positive organisation-wide approach that promotes mental wellbeing through changes in ways of working, such as improved line management and the provision of flexible working where appropriate.

Professor Mike Kelly, Public Health Excellence Centre Director, NICE said:

“The benefits of promoting mental wellbeing within the workplace are clear. Today’s guidance explains how employers can make simple changes which will improve the management of mental health in the workplace, including the prevention and early identification of problems. The financial incentives for employers adopting these approaches are significant, however measures such as the performing of annual audits of employee wellbeing are not common practice. By following these recommendations an average organisation of 1,000 employees can expect to save an estimated £250 000 a year, due to reduced absenteeism and increased performance. The guidance therefore represents a win-win for employers and their employees and should be seen as important advice to help organisations irrespective of their size or sector.”

Recommendations made for employers include:

- ? Promote a culture of participation, equality and fairness that is based on open communication and inclusion.
- ? Create an awareness and understanding of mental wellbeing and reduce the potential for discrimination and stigma related to mental health problems.
- ? Ensure systems are in place for assessing and monitoring the mental wellbeing of employees so that areas for improvement can be identified and risks caused by work and working conditions addressed. This could include using employee attitude surveys and information about absence rates, staff turnover and investment in training and development, and providing feedback and open communication.
- ? If reasonably practical, provide employees with opportunities for flexible working according to their needs and aspirations in both their personal and working lives.
- ? Different options for flexible working include part-time working, home-working, job sharing and flexitime.
- ? Strengthen the role of line managers in promoting the mental wellbeing of employees through supportive leadership style and management practices.

Dame Carol Black, National Director for Health and Work commented:

"The newly released NICE guidance on the promotion of mental wellbeing at work provides clear, practical advice applicable to the public, private and voluntary sectors, with relevance to organisations both large and small. It is an excellent resource for the increasing number of employers who understand the need to create healthy workplaces which promote mental well-being, for the benefit of employees and their families. The guidance explains how best to build that positive environment."

Professor Cary Cooper, Professor of Organisational Psychology and Health Professor at the Lancaster University Management School said:

"The NICE guidance is an extremely important contribution to enhancing mental wellbeing in the workplace. It is consistent with, and reinforces, the evidence-based findings of the major government Foresight project on Mental Capital and Wellbeing, and the work carried out in the EU over the last ten years. This NICE guidance is an innovative, far-reaching and significant piece of work that will help to minimise workplace stress and promote mental wellbeing at work."

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## **TUC Risks – 7 November 2009**

### **Docs say fit notes plan is 'unrealistic'**

Government plans to introduce GP 'fit notes' instead of sick notes may be unrealistic, say researchers. A survey of 440 GPs in Nottinghamshire found few currently took any responsibility for managing the work issues of patients with back problems. Considerable training and a change in culture will be needed for GPs to take on a role where they advise on the work a patient can do, the paper in the journal Family Practice concluded.

The researchers from Nottingham University send a postal questionnaire to 441 GPs, and received responses from 54.7 per cent. The majority of GPs responding (76.8 per cent) reported that they did not take overall responsibility for managing the work problems of patients arising from low back pain. Few 'mainly agreed' that they initiated communication with employers (2.5 per cent) and/or therapists (10.4 per cent) regarding their patients' work. Two-thirds said therapy and rehabilitation to help patients with low back pain with work problems should be provided by local authorities. The paper concludes: 'The results of this study demonstrate that most GPs do not readily engage in vocational rehabilitation and do not initiate contact with employers or other health care practitioners regarding patients' work problems. Thus the current government expectation that GPs are able to successfully manage this role may be unrealistic; considerable training and a change in the GPs' perception of their role will be required.' Study leader Carolyn Coole, a research occupational therapist, said: 'It is going to be difficult for them in terms of the amount of knowledge they will need about a person's job and to give advice that the employer understands.' A Department of Health spokesperson commented: 'We believe that GPs are well placed to provide appropriate advice, which the employer, who understands the demands of their workplace, can then use to decide whether or not they can safely facilitate the employee's return to work.' This suggests the one person left of the discussion will be the patient themselves. Research published this year found workers off sick with back pain

and who were involved in identifying potential barriers to their return to work get back on the job much quicker ([Risks 415](#)).

- ? Carol Coole, Paul J Watson, and Avril Drummond. Work problems due to low back pain: what do GPs do? A questionnaire survey, Family Practice Advance Access, published on 26 October 2009, doi:10.1093/fampra/cmp074 [\[Abstract\]](#). [BBC News Online](#).

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The report – [Workforce diversity and risk assessment: Ensuring everyone is covered](#) – aims to describe why and how risk assessment can and should cover the whole workforce, and to increase awareness among those responsible for and affected by health and safety at work about the importance of assessing the risks of all workers. The report is aimed mainly at those who are responsible for carrying out risk assessments and/or are involved in the process.

It includes examples of prevention of risks for specific groups of workers, such as migrant workers, disabled workers, young and old workers, women and temporary workers.

The report is part of the Healthy Workplaces Campaign, a two-year EU-OSHA campaign which aims to promote an integrated management approach to risk assessment.

#### [More info»](#)

Last month, in an [online seminar](#), Kate Gardner, Business Manager, Health, Safety and Facilities, Workplace Law discussed the importance of carrying out risk assessments and explored the elements that make up an effective risk assessment.

### Call for more pro-active approach to mental health at work

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The call comes following a survey of over 2,000 employees, which found that more than a quarter of UK workers describe their mental health as moderate or poor, with more than 90% of those suffering from poor mental health saying it affects their performance on the job.

Among those that describe their mental health as poor, 12% say this is the result of problems at work, while 32% believe it is a result of problems outside work and 56% think it is a combination of the two. Although more than half (56%) of the surveyed employees with poor mental health say they have taken time off sick as a result, almost all (98%) continue to attend work regularly.

Only a third (37%) of workers say their organisation supports people with mental health problems well.

### [More info»](#)

The report comes in the same week that the National Institute for Health and Clinical Excellence (NICE) issued guidance for employers on promoting mental wellbeing at work. The guidance aims to help reduce the estimated 13.7 million working days lost each year due to work-related mental health conditions including stress, depression and anxiety, which are currently estimated to cost UK employers around £28.3bn per year at current pay levels.

The guidelines are mandatory for NHS employers to follow and recommended for employers in all sectors.

### [More info»](#)

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## **HSE e-bulletin – 9 November 2009**

### STRESS

++ Pressure on to tackle stress as business loses out ++

Statistics reveal over 11 million days were lost to work related stress last year

<http://www.hse.gov.uk/press/2009/hse9709.htm?ebul=hsegen/09-nov-2009&cr=8>

### WORKPLACE VIOLENCE

++ Violence at work - tell us what you think ++

We would like to know more about visitors to the work-related violence website and toolkit

<http://www.hse.gov.uk/violence/toolkit/index.htm?ebul=hsegen/09-nov-2009&cr=9>

### NUCLEAR

++ Joint Regulatory Position Statement: EPR Pressurised Water Reactor ++

Nuclear regulators are currently working to assess the EPR Pressurised Water Reactor

<http://www.hse.gov.uk/press/2009/hse221009.htm?ebul=hsegen/09-nov-2009&cr=19>

++ Nuclear LLC report - Harwell and Winfrith ++

Making information about inspection and regulatory activities available to the public

<http://www.hse.gov.uk/nuclear/llc/2009/index.htm?ebul=hsegen/09-nov-2009&cr=20>

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## **Workplace Law Bulletin – 12 November 2009**

### **Concerns over CRB complaints**

Figures obtained by the Daily Telegraph show that complaints about the Criminal records Bureau (CRB) have doubled since the organisation was set up in 2002. There were 1,111 complaints in 2002/3 and a record 2,509 in 2008/9.

In all, 15,320 complaints about criminal records checks have been so far upheld since 2002, the paper reports. However, the proportion of complaints compared with the total number of [CRB checks](#) carried out has fallen and the CRB points out that disputes only represent a fraction of the number of checks carried out.

There are concerns that some of the complaints against the CRB could relate to false information about applicants and that these issues could put people off applying for work requiring CRB checks, as well as damage individuals' job prospects. Alan Johnson, the Home Secretary, said that disputes with the CRB could be caused by someone sharing a name with a criminal, inaccurate police information and identity fraud.

The [Vetting and Barring scheme](#) was launched last month and will increase the number of people applying for CRB checks as the rules have been extended to a wider range of roles. The Independent Safeguarding Authority (ISA) will make decisions on barred individuals but the scheme will be administered by the CRB. New entrants and volunteers working with vulnerable groups will need to start to apply to become ISA-registered from July 2010. Employers also face criminal sanctions for knowingly employing a barred individual across a wider range of work.

A spokesperson for the CRB commented that the agency's work had prevented 100,000 people from working with vulnerable people over the past five years.

The spokesperson said:

"This is not about the CRB making mistakes, information released on a CRB check can be disputed for a number of reasons. Incorrect CRB checks represent a tiny minority of the 3.9 million checks that were carried out last year.

"The Criminal Records Bureau plays a vital role in protecting the most vulnerable in UK by giving employers the extra tools to make informed recruitment decisions."

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## KEY FACTS

Hearing loss can be permanent and incurable. Read about preventing hearing loss and other key facts about noise at work visit:

<http://www.hse.gov.uk/noise/keyfacts.htm?ebul=noise/nov09&cr=3>

## PUBLICATIONS

HSE now has many of its publications free to download - see the HSE website

For a list of free guidance on noise issues click on:

<http://www.hse.gov.uk/pubns/noisindx.htm?ebul=noise/nov09&cr=4>

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## HSE Statistics Bulletin

### HEALTH AND SAFETY STATISTICS 2008/09

++ Health and safety statistics 2008/09 is published today, 28 October.

++ This release gives the latest statistics on work-related health,

++ safety and enforcement in Great Britain. The release includes a

++ pocket-sized booklet providing headline figures and commentary

++ supported by a range of material on the Statistics website. ++

[www.hse.gov.uk/statistics/hssoct09.htm?ebul=stats/oct-09&cr=01](http://www.hse.gov.uk/statistics/hssoct09.htm?ebul=stats/oct-09&cr=01)

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## HSE Nuclear Bulletin

### SAFETY EXPERTS COMPLETE THE SECOND INTERNATIONAL ATOMIC ENERGY (IAEA) REGULATORY REVIEW OF HSE'S NUCLEAR DIRECTORATE - (Published October 2009)

At the request of UK Government, the IAEA conducted an Integrated Regulatory Review Service (IRRS) mission between 5-13 October. The mission was the second of three planned IRRS missions for the UK.

IAEA commended some new areas of good practice, recognised the significant progress made in some areas since the 2006 mission and identified further areas where they feel ND can improve its regulatory effectiveness. The reviewers also closed out many of the findings from the 2006 IRRS mission. A final report of the mission will be published towards the end of the year.

Further

information:<http://www.hse.gov.uk/nuclear/regulatoryreview/index.htm?ebul=nuclear/oct-10&cr=01>

On 13 October the IAEA released a statement on the IRRS mission  
<http://www.iaea.org/NewsCenter/PressReleases/2009/prn200911.html>

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## **HSE Slips, Trips and Falls from Height bulletin**

++ THE WORK AT HEIGHT SOLUTIONS DATABASE IS NOW AVAILABLE ++

The solutions database contains advice and guidance for safe working at height. This useful list of common questions and answers are drawn from information given by the HSE Falls from Height Team to enquirers on understanding the Regulations, on work at height equipment selection and on equipment use. By searching the list you may find the right information for your own enquiry.

<http://www.hse.gov.uk/falls/solutions.htm?ebul=slips/nov-09&cr=5>

++ SLIPS AND TRIPS ELEARNING PACKAGE (STEP) ++

STEP continues to be a popular way to learn about slips and trips why they happen and how to manage the risks in an innovative and engaging way. Over 59'000 people have already accessed the tool and are staying on it for an average of 17 minutes.

Your feedback is valuable for STEP's future development. Please provide us with your feedback on how useful you have found STEP and how you have used it in your organisation  
<http://www.hse.gov.uk/slips/contact.htm?ebul=slips/nov-09&cr=6>

Start the STEP Tool now; <http://www.hse.gov.uk/slips/step/index.htm?ebul=slips/nov-09&cr=7>

View the STEP - Frequently asked questions and know how to maximise your learning with STEP. <http://www.hse.gov.uk/slips/step/faqs.htm?ebul=slips/nov-09&cr=8>

++ HSE HAS NOW PUBLISHED ITS 2008/9 STATISTICS ++

These Statistics which include slips, trips and falls from height show there has been a significant reduction in the numbers of people killed, injured or suffering work related ill-health from April 2008 to March 2009. View the statistics.

<http://www.hse.gov.uk/statistics/overall/hssh0809.pdf?ebul=slips/nov-09&cr=10>

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## **Workplace Law members bulletin - 467**

## **One in three sick days fall on a Monday**

More than a third of all sick leave is taken on a Monday, confirming Mondays as the day of most sickness absence from the workplace, according to new research by consulting firm, Mercer.

Musculoskeletal problems are the most common cause of absence, followed by viral infections and stress-related illnesses.

Mercer's research is based on an analysis of sickness management records for 11,000 individual employees across a range of private sector organisations.

January is, by far, the month with the highest level of sickness absence, with sick leave averaging half a day per person for the month. During the whole of 2008, 13 of the 20 most popular days for sickness absence occurred in January, and six of these were taken between 2 and 9 January.

Over a third (35%) of all sick leave is taken on a Monday, with attendance on the remaining working days becoming higher as the week progresses. Fridays are least likely to be taken as sick leave, and account for only 3% of sickness absence during the working week.

Phiroze Bilimoria, a client manager at Mercer, commented: "Monday sickness and frequent short-term absences can be a symptom of low employee engagement and morale within certain teams or departments. Once identified, companies can take measures to try and address this."

[More info»](#)

In an [online seminar](#), Jayn Bond, Head of HR, Workplace Law discusses how to approach dealing with employee sick absence without falling foul of current employment law.

## **HSE consults on EU artificial light regulations**

The HSE has released a consultation document outlining how it plans to implement a [European Union \(EU\) Directive](#) to protect workers from hazardous sources of artificial light.

Intense sources of artificial light in the workplace, particularly from UV radiation and powerful lasers, can harm the eyes and skin of workers and need to be properly managed. The Directive aims to ensure that standards are set and harmonised across the EU so all workers are protected from harm arising from exposure to hazardous sources of artificial light.

The HSE says that the draft regulations are designed to ensure that businesses do not face unnecessary additional burdens where there is no risk of harm to workers.

[More info»](#)

## **Concerns over CRB complaints**

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In all, 15,320 complaints about criminal records checks have been so far upheld since 2002, the paper reports. However, the proportion of complaints compared with the total number of [CRB checks](#) carried out has fallen and the CRB points out that disputes only represent a fraction of the number of checks carried out.

There are concerns that some of the complaints against the CRB could relate to false information about applicants and that these issues could put people off applying for work requiring CRB checks, as well as damage individuals' job prospects. Alan Johnson, the Home Secretary, said that disputes with the CRB could be caused by someone sharing a name with a criminal, inaccurate police information and identity fraud.

The [Vetting and Barring scheme](#) was launched last month and will increase the number of people applying for CRB checks as the rules have been extended to a wider range of roles. The Independent Safeguarding Authority (ISA) will make decisions on barred individuals but the scheme will be administered by the CRB. New entrants and volunteers working with vulnerable groups will need to start to apply to become ISA-registered from July 2010. Employers also face criminal sanctions for knowingly employing a barred individual across a wider range of work.

A spokesperson for the CRB commented that the agency's work had prevented 100,000 people from working with vulnerable people over the past five years.

The spokesperson said:

"This is not about the CRB making mistakes, information released on a CRB check can be disputed for a number of reasons. Incorrect CRB checks represent a tiny minority of the 3.9 million checks that were carried out last year.

"The Criminal Records Bureau plays a vital role in protecting the most vulnerable in UK by giving employers the extra tools to make informed recruitment decisions."

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## **Workplace Law Bulletin – 14 November 2009**

### **Audio**

[Corporate Manslaughter Act Update](#)

### **Call for change in attitudes towards health and safety**

The Chief Executive of the Royal Society for the Prevention of Accidents (RoSPA) has called for a re-examination of what he calls "the national hypocrisy" surrounding health and safety. He argues that this hypocrisy is exemplified by the fact that issues like swine flu are taken seriously, while other topics are viewed with a derision that risks lives.

In his report to RoSPA's annual meeting, taking place in Birmingham today, Tom Mullarkey says that work to reduce the number of people killed in accidents is being set back by an

obsession with minor health and safety exasperations, which diverts attention from accident prevention.

He said:

"I have yet to meet anyone whose health and safety, or that of their loved ones, is not their most important priority. But if you live in the UK today, you might be forgiven for thinking that health and safety is the Enemy of the State. Asking the man in the street, as we frequently do, reveals that many people describe health and safety as having 'gone too far' and believe that it represents unwelcome control from the 'nanny state'. We seem to have developed a national hypocrisy on health and safety which needs to be re-examined."

The number of deaths registered as accidental in the UK has risen in recent years. In 2007, there were 13,700 accidental deaths. Accidents remain the principal cause of death up to the age of 35. The latest HSE statistics released last week showed that workplace fatal injuries fell from 233 in 2007/08 to a record low of 180 in 2008/09, and there was a reduction of more than 7,000 in the number of workplace injuries classified as serious or incurring more than three days absence from work.

Mullarkey continued:

"Despite the public perception that there is too much unnecessary intervention, the reality is that 'accidental' deaths have increased and the two may indeed be linked. Accidents blight our society and our communities, taking away the most vulnerable, and they cost us all in monetary terms, very dearly. Where then, are the headlines that the scale of such tragedy and impact merits?"

"People need to understand the big picture if they are to balance the huge value of health and safety against the minor irritants. It is time for the media, at all levels, to stop tilting at the windmills and get down to the serious business of supporting accident prevention."

New IOSH President, John Holden, this week also called for health and safety professionals to do more to take responsibility for challenging the poor public image of the health and safety industry. Speaking at the IOSH annual dinner, he said:

"Improving the health and safety brand and the image of our profession, so we can focus on doing our jobs, is our fight."

He referred to much of the media coverage of health and safety as being "nonsense" and "a smokescreen that has come to irritate and choke all of us who simply want to get in there and save lives, prevent illness and injury and improve people's quality of life."

He added that it was unfortunate that "'elf 'n' safety' has become something of a comic cliché, a byword for nanny-statism, and an easy target for those looking for a good moan."

## Long commute and long hours at work

Britain's workers are facing an exhausting 'double whammy' of long commutes and long hours at work, new figures have revealed. A TUC analysis of official statistics published this week shows UK workers spend 21.8 million hours travelling to and from work every day. The findings, published to mark Work Wise UK's Commute Smart week, are calculated from Labour Force Survey figures and show workers spend on average 52.6 minutes commuting every day. TUC general secretary Brendan Barber said: 'UK staff experience a double whammy of working some of the longest hours in Europe and then spending nearly an hour every day getting to and from work. All that wasted working time spent stuck on crowded trains and congested roads costs the economy over a quarter of a billion pounds every day, not to mention the stress it causes staff and the time it means they miss spending with friends and family.' He added: 'With employers focused on getting through the recession, many will have taken their eye off the ball in offering flexible working. But remote working and flexible shifts can reduce commute times, save on office space and reduce energy costs - saving companies money and helping staff enjoy a better work life balance.'

? [TUC news release. Commute Smart week.](#)

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## HSE bulletin – 16 November 2009

++ Risk assessment and policy statement ++

Help meeting your basic health and safety duties.

<http://www.hse.gov.uk/risk/index.htm?ebul=hsegen/16-nov-2009&cr=7>

Lone Working - A Guide for Safety Representatives November 2009

[http://www.tuc.org.uk/h\\_and\\_s/tuc-17252-f0.cfm](http://www.tuc.org.uk/h_and_s/tuc-17252-f0.cfm)

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## Workplace Law Bulletin – 19 November 2009

### Employers could be denied access to staff medical reports

Employers seeking medical reports on employees from occupational health doctors may be blocked by new guidance from the General Medical Council (GMC).

Last month the GMC issued new [good practice guidance for doctors](#) on confidentiality. The guidance says that, as a general rule, a doctor should seek a patient's written consent before releasing medical information other than that which must be disclosed by law. Doctors must comply with guidance from the GMC to maintain their registration.

There are various situations where it may be necessary for an employer to seek a medical report on a member of staff; for example, to ascertain what reasonable adjustments may be needed for an employee who is disabled under the Disability Discrimination Act 1995, or to

ensure that they are fairly dismissing someone on long-term sick leave under the Employment Rights Act 1996.

Previously, where an employee was referred to an occupational health doctor who had not treated them before, they could give the employer a report without the employee's consent.

Rebecca McGuirk, a partner at law firm Shoosmiths, says that this development means that employers could find themselves in the position of having to pay for a medical report that they can't access because the employee has decided to withhold consent.

She advises:

"Ideally, contracts of employment should include a term which requires the employee to submit to a medical examination and agree to the release of medical information where the employer reasonably requires this.

"Even where there is not such a clause, if an employer feels they need a medical opinion about an employee, that employee should be made aware that if they refuse to cooperate or deny consent for the report to be released, the employer will go ahead and make the necessary decision on the information it does have.

"Employers should also remember that information about an employee's health will always be sensitive personal data under the Data Protection Act 1998 and ultimately it will be disclosable to the employee concerned should they make a 'subject access request' under the DDA."

### **Employers reminded of need for tyre safety checks**

A high number of company car drivers may be driving illegally and risking serious injury according to recent research. A survey by TyreSafe found that 25% of company car drivers had never checked the depth of their tyre tread and a further 41% had not checked their tyres within the last six months.

Both companies and employees have responsibility for tyre safety on fleet vehicles and those not making the necessary checks face fines and other penalties, warns Tyresafe, a not-for-profit organisation set up to promote tyre safety awareness .

Current UK law states that tread on car tyres must be a minimum of 1.6mm across the central three-quarters of the tread, around its entire circumference.

To simplify the task of checking tyre tread, companies are being encouraged to promote TyreSafe's 'lifesaver in your pocket' initiative to their employees. The campaign encourages drivers to insert a 20p coin into the main grooves of the tyre to check the tread depth. If the outer band of the coin is visible when inserted, then the tyre may not have sufficient depth and should be checked by a qualified specialist.

Stuart Jackson, Chairman of TyreSafe, commented:

“As part of their health and safety obligations, companies should make sure that drivers understand their own individual responsibility towards tyre checks. Company car drivers typically cover around 20,000 miles per year, almost double that of private motorists, so it is particularly important that they pay attention to their tyres. Our 20p lifesaver is a really quick and simple way of seeing if your tyres have enough tread to be safe and legal. By performing these checks just once a month, we believe the number of work-related accidents and cost to UK businesses can be dramatically reduced.”

TyreSafe gives the following tips for checking tyre tread depths:

1. Ideally, tyre tread depth should be checked at least once a month at the same time that you check your tyre pressure.
2. If you do not have a calibrated tread depth gauge, a 20p coin provides a useful guide.
3. Insert the 20p coin into the main tyre grooves at several places around the circumference of the tyre and across its width.
4. If the outer band of the 20p coin is visible whenever you check the tread, your tread depth may be illegal and you should have them checked by a qualified tyre specialist.
5. When checking your tread depth, give the rest of the tyres a visual inspection for any cuts or bulges and remove any stones or objects embedded in the tread.

### **New guidance launched on preventing workplace violence**

New guidance has been launched this week to help employers prevent harassment and [violence in the workplace](#).

The guidance, which follows a Europe-wide agreement between employers' organisations and unions, aims to give practical help and support to firms and their employees.

The guide – [Preventing Workplace Harassment and Violence](#) – signals the first time that the CBI (Confederation of British Industry), the Partnership of Public Employers (PPE) and the Trades Union Congress (TUC) have come together to provide guidance on harassment and violence in the workplace. The guidance has the backing of the Government, including the Health and Safety Executive (HSE), the Advisory, Conciliation and Arbitration Service (ACAS) and the Department for Business, Innovation and Skills (BIS).

The aim of the guidance is to raise awareness and increase understanding among employers, workers and their representatives of workplace harassment, including both internal and third-party violence, and to provide them with guidance on how to identify, prevent and manage it.

Speaking at the launch in central London, Employment Relations Minister, Lord Young, said:

“Workplace harassment and violence is unacceptable and the Government is committed to addressing these problems. By making sure that employers understand their obligations and workers understand their rights we can promote a better workplace culture.

“This guidance is another step in the right direction and is the product of employers and unions working together with Government and the relevant agencies.”

Katja Hall, Director of Employment Policy, CBI, said:

“Workplace harassment and violence should not be tolerated. We hope this publication will give employers a useful guide to assessing the risks to their employees, and help them with the steps they could take to make sure employees are protected.”

PPE Director, Tina Weber, added:

“Public service employers strongly support the launch of this guidance. We were particularly keen to include the issue of harassment and violence perpetrated by service users as this is regrettably becoming increasingly common. Public service workers deserve to be able to carry out their important functions free from the threat of – or indeed actual – physical and verbal abuse. We hope that the launch of this publication will raise awareness of this issue and will provide employers and employees with a useful tool to help address it.”

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## **Workplace Law Daily Update – 20 November 2009**

### **Risk assessment database launched**

The European Agency for Safety and Health at Work (EU-OSHA) has launched a database of [risk assessment tools](#), collated from throughout Europe.

[Risk assessment](#) tools included in the regularly updated database include checklists, guides, guidance documents, handbooks, brochures, questionnaires, and interactive tools such as free interactive software, including downloadable applications. These tools include generic ones as well as those aimed at specific sectors.

The database was released as EU-OSHA's healthy workplaces campaign focusing on the importance of risk assessments came to an end. At the closing event for the campaign, preliminary results were announced of the European Survey of Enterprises on New and Emerging Risks (ESENER). The Europe-wide survey revealed that despite the legal obligation to carry out regular risk assessments, up to 15% of enterprises with between ten and 50 employees still do not carry out risk assessments, or even more informal workplace checks.

Jukka Takala, Director of EU-OSHA, closed the event saying:

“With over 450 Europeans dying every day from work-related causes, workplace health and safety cannot be regarded as a luxury in these times of economic crisis.”

## **HSE e-bulletin – 23 November 2009**

STRESS

++ Stress at work - causes, signs and symptoms ++

What is stress and what causes it. The signs and symptoms to watch for.

<http://www.hse.gov.uk/stress/furtheradvice/whatisstress.htm?ebul=hsegen/23-nov-2009&cr=8>

HSE CHAIR SPEECHES

++ NW Hazards BRANCH XXI Symposium ++

After dinner speech by HSE Chair Judith Hackitt.

<http://www.hse.gov.uk/aboutus/speeches/transcripts/hackitt111109.htm?ebul=hsegen/23-nov-2009&cr=13>

++ The House Magazine - Westminster Briefing ++

Speech by Judith Hackitt - 'Health and Safety at work: leading from the front'.

<http://www.hse.gov.uk/aboutus/speeches/transcripts/hackitt181109.htm?ebul=hsegen/23-nov-2009&cr=14>

WORKPLACE VIOLENCE

++ Violence at work - online survey ++

What do you think of the website and toolkit?

<http://www.hse.gov.uk/violence/index.htm?ebul=hsegen/23-nov-2009&cr=17>

++ HSE Deputy Chief Executive to give keynote speech at conference ++

24- 25 November in London - 3rd Annual Occupational Health and Safety Conference.

<http://www.hse.gov.uk/events/ohsconference.htm?ebul=hsegen/23-nov-2009&cr=21>

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## **Workplace Law Bulletin – 26 November 2009**

### **Recession hasn't affected health and safety, says CIOB**

New [research](#) from the Chartered Institute of Building (CIOB) suggests that 85% of senior level construction professionals don't believe the recession has affected the level of health and safety compliance in their company.

Of the 1,260 respondents that took part in the CIOB's research, 35.7% also stated that their company had increased spending on health and safety (including training) over the last 12 months, compared to 12.6% who felt it had decreased.

Almost 70% (69%) of respondents regarded health and safety as being taken very seriously in their organisation but a quarter of respondents think, although it is taken seriously, it does not have top priority in their organisation.

Michael Brown, CIOB Deputy Chief Executive, said:

"There are some encouraging signs within our research, not least that health and safety is being taken as seriously as it should be, even in this difficult time, and that it is being resourced correctly.

"In the UK the preliminary results for 2009 by the Health and Safety Executive (HSE) suggest that the industry has decreased the level of fatalities in construction over the last 12 months. This could be for a number of reasons including a decreasing workforce due to the recession. But clearly the industry won't be satisfied until it can confidently say that every worker will return home safely at the end of day."

Respondents were asked how they thought health and safety could be improved in the industry. The majority felt that greater training and better awareness at all levels of an organisation were essential and should be ongoing.

Nearly half (44%) of respondents felt that health and safety in the industry wasn't over-regulated, with a further 24% stating that it could never be too regulated. The HSE was considered by many as under-resourced. Common responses called for greater involvement of the HSE in terms of advice, support and more site inspections (including unannounced visits), particularly aimed at small to medium-sized enterprises.

Alan Ritchie, General Secretary of construction union UCATT, recently warned that the latest statistics on construction deaths and injuries could be misleading. He said:

"Last year's reduction in construction fatalities was principally due to the recession rather than any major improvements in safety. It is essential that greater levels of enforcement are introduced otherwise deaths will rapidly rise when the industry recovers."

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## **HSE e-bulletin 30 November 2009**

### HSE STRATEGY

++ HSE Strategy - Pledge Forum ++

Pledge your support for HSE's Strategy, join our forum and share your views.

<http://webcommunities.hse.gov.uk/inovem/inovem.ti/pledge/groupHome?ebul=hsegen/30-nov-2009&cr=2>

++ New interactive forum launched ++

HSE opens the doors to an online 'Pledge Forum' about workplace health and safety.

<http://www.hse.gov.uk/press/2009/e09100.htm?ebul=hsegen/30-nov-2009&cr=3>

### FIRST AID

++ Latest newsletter ++

Revised schedules for certificate of approval, changes to first aid training...

<http://www.hse.gov.uk/firstaid/newsletters/fawnewsletter1109.pdf?ebul=hsegen/30-nov-2009&cr=9> [PDF 106KB]

## NEW NUCLEAR POWER

++ HSE reports on nuclear reactor designs ++

Interim assessment reports for two nuclear power station designs being considered for the UK. <http://www.hse.gov.uk/press/2009/e09110.htm?ebul=hsegen/30-nov-2009&cr=10>

++ Step 3 reports - assessment of new nuclear power stations ++

An overall safety and security review and analysis of proposed reactor designs

<http://www.hse.gov.uk/newreactors/reports.htm?ebul=hsegen/30-nov-2009&cr=11>

## HSE IN WALES

++ How to tackle work-related stress ++

Free leaflet in Welsh.

<http://www.hse.gov.uk/pubns/welsh/indg430.pdf?ebul=hsegen/30-nov-2009&cr=14> [PDF 442KB]

## HSE CHAIR SPEECHES

++ HSE Chair at regional TUC conference ++

Speech by Judith Hackitt on 20 November 2009.

<http://www.hse.gov.uk/aboutus/speeches/transcripts/hackitt201109.htm?ebul=hsegen/30-nov-2009&cr=15>

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### **Disclaimer:**

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Police Federation of England and Wales  
Health & Safety Bulletin – November 2009