Knowledgebase

mhl support ltd's client quarterly risk management publication

Volume 1, Issue 1; Second Quarter 2009

mhl SUPPORT

Employment Law • Health and Safety • Environmental • Risk Management

Equality Bill

To be introduced in 2010

Our Employment Law Support Line tells us more.

The Equality Bill has now been designed to simplify existing legislation into one single statute.

Health and Safety Law Poster

New version published from 6th April 2009

mhl's H&S Team tell us more.

HSE is publishing a new version of its approved health and safety poster and leaflet.

Waste Batteries Regulations 2009

Government's new regulations

Ian White tells us more.

New regulations relating to the treatment and recycling of batteries

The Corporate Manslaughter and Corporate Homicide Act 2007

Paul Cadman dispels the myths of Corporate Manslaughter

Do you know how the Health and Safety (Offences) Act 2008 will affect your business?

Do not be caught out. Ignorance is no excuse

Call us today to find out more

08453 100 999

Extraordinary Support in Extraordinary Times

mhl support ltd, Brunswick Court, Brunswick Street, Newcastle under Lyme, Staffordshire ST5 1HH

How to Contact us

Production t: 08453 100 600

Senior Designer
Jason Saunt

Designer
Lisa Worsdale

PR & Communications t: 08453 100 600

PR & Communications Manager
Katy Vaughan

With thanks to:

Support Line Team

H&S Environmental Manager
Bill Collins

Health and Safety Consultant
Ian White

SHEQ Operations Manager
Paul Cadman

Operations Manager (Legal Services)
Lilian Starkie

mhl support ltd

Brunswick Court, Brunswick Street,
Newcastle-under-Lyme, Staffordshire
ST5 1HH

t: 08453 100 600 f: 08453 100 650
e: enquiries@mhlsupport.com
w: www.mhlsupport.com

Support Line: 08453 100 999

Welcome from Cy Green
Summer 2009

New look newsletter to improve our Company's environmental impact.

Welcome to the first edition of mhl support's combined newsletter "**Knowledge***base*". There have been many reasons why we made the decision to combine the Employment Law and the Health and Safety Updates and move to an online publication; the key being the need to reduce the impact, which printed publications have on the environment. An online update will also mean that we are able to increase the frequency of communication to you, bringing to your attention more case studies, guides and tips, which we hope you and your teams will find both interesting and informative. We will however continue to print a very small number for those clients and business partners who are unable to receive email. Where we do this, we will offset the environmental impact by making an annual charity contribution to "Climate Care" (for more information on how they can help you to do the same please see their website www.climatecare.org.uk).

Without doubt we find ourselves in very difficult trading times. I am pleased to say, however, that mhl continues to flourish following the expansion of our product and service range, which we started eighteen months ago.

This now sees us being able to deliver a range of services not limited to our core Health and Safety and Employment Law products including:

- Fire Risk Assessments
- IOSH Training
- Environmental Management Services
- Energy Audits
- Electronic Risk Assessments and Method Statements
- Commercial Legal Services including Dispute, Intellectual Property and Insolvency.

I hope that you find this first edition of **Knowledge***base* an informative and enjoyable read. If you have any questions relating to any of the articles featured please contact our support line on 08453 100 999, or if you would like to speak to me personally please call me on 08453 100 600 or email cygreen@mhlsupport.com.

Cy Green, Executive Chairman

To receive additional copies today, call: 08453 100 600
or email: enquiries@mhlsupport.com

HR Training: We can provide a training solution to meet your organisation's needs.

Cost-effective Employment Law Training

Making sure your managers are well versed in the correct processes to deal with Employment Law is a constant challenge. With legislation changing every six months, the only way to do this is to ensure that they receive regular training.

mhl's suite of Employment Law courses focus on developing the skills of those in your business who are responsible for managing staff. They cover all aspects of managing people from recruitment and selection, through to dealing with dismissals and appeals.

mhl support ltd
Employment Law

Departments

06 Employment Law

Our Employment Law update provides you with the latest news and information affecting your business. Inside the first edition of **Knowledge***base* we provide details of the new ACAS Code of Practice and also discuss the importance of employers not to discriminate against non-EEA Nationals and recent changes to the Law.

16 Health and Safety

In this issue we take a detailed look at the latest changes to the Corporate Manslaughter and Corporate Homicide Act 2007 and announce our latest addition to our services with the IOSH accredited Health and Safety Training. Further information or advice on these or any other Health and Safety matter can be obtained from the mhl Support Line on 08453 100 999.

29 Environmental

A new addition to our newsletter, mhl now keeps you up-to-date on the latest environmental news and reviews the new regulations regarding the Waste Batteries and Accumulators Regulations 2009. We also discuss how the new Carbon Reduction Commitment scheme may affect you and your business.

Feature Articles

06 Equality Bill

Designed to simplify existing legislation into one single statute, this has now been published and is ready to be introduced for 2010.

07 Independent Safeguarding Authority

Commencing from October 2009.

08 ACAS Code of Practice

An update on the Code of practice and its impact since the introduction in April 2009.

17 Removing forms and record - keeping requirements

New rules were introduced from 6th April 2009 to remove unnecessary administrative burdens on business.

18 IOSH accredited training

New from mhl support, we are now able to deliver IOSH accredited Health and Safety Training.

21 Developing Property

Legal responsibilities for health and safety when developing a property that you do not intend to inhabit.

22 Abattoir waste turns tributary red.

Organic Pollution incident resulting in a company being prosecuted for contamination of a local watercourse.

Cover Story

First Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007

The Corporate Manslaughter and Corporate Homicide Act 2007 came into force on 6 April 2008, throughout the UK. This act means that companies can be found guilty as a result of serious management failures, resulting in fatal consequences.

Need to know more...

If you are unsure how this affects you please call our support line on 08453 100 999 or email enquiries@mhlsupport.com

Please visit our website at www.mhlsupport.com

Equality Bill
To be introduced 2010

The first draft of the Equality Bill, which is designed to simplify and harmonise existing legislation into one single statute has now been published.

The Bill is intended to be easy to understand and implement and, not only will it maintain to protect individuals from discrimination, it also aims to provide further protection for disadvantaged groups.

What will the Bill mean for employers?

- Secrecy clauses, which prevent staff from discussing their pay, will become illegal so employees will be able to compare their wages and challenge you if they are being unlawfully paid less.
- In order to enable employers to create a more diverse workforce, employers will be allowed to positively discriminate during recruitment in favour of disadvantaged groups when presented with candidates of equal merit.
- After 2013, companies with 250 or more employees may be required to report on the gender pay gap in their organisation.
- Tribunals will have enforced powers by being allowed to make recommendations in discrimination cases. So, if an employee wins a claim for discrimination, the whole workforce will benefit from recommendations made. Any failure to follow such a recommendation could be taken into account in any future case.

The Equality Bill is expected to come into force from Autumn 2010. However, if you have any questions now about how the Bill will affect your company, then please feel free to call the Support Line for further advice.

Care Quality Commission
Replacing CSCI

As part of the Health & Social Care Bill in April 2009 the Care Quality Commission (CQC) has taken over the responsibilities of CSCI, Health Care Commission and The Mental Health Act Commission. The new organisation's main objective is to protect and promote the health, safety and welfare of people who use health and social care services.

The Health & Social Care Act 2008 creates new, and expands on, the powers of the CQC previously known as CSCI.

Some of these powers include:

- Issuing a warning
- Cancelling registration
- Prosecuting for specified offences

Issuing a financial penalty notice can also be used in such instances where breaches of requirements have occurred but there is evidence that the Care Home has made improvements, e.g. poor recruitment record resulting in the use of unsuitable staff.

The new law increases the fines imposed for breaches in regulations to, in some cases, a maximum of £50,000.

Due to the increase in penalties for breach of Care Law, the Care Industry is subject to more pressure financially to follow these principles. Therefore, there is an apparent need to follow Care Regulations much more carefully which, in turn, may allow employers to use third party influence as a substantial reason to dismiss an employee.

More on the Web

For more information please visit the CQC website at www.cqc.org.uk

EL

Independent Safeguarding Authority

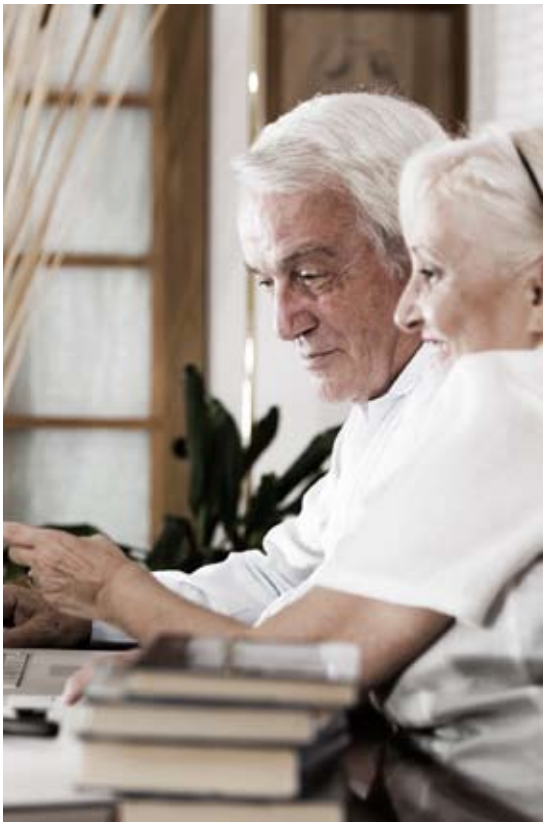
To be introduced October 2009

From October 2009, any person wishing to work with either vulnerable adults or children will be required to register with the Independent Safeguarding Authority (ISA).

Employees will be required to register under the scheme and, from July 2010, employers will need to check employee and volunteer status before recruiting them. However, the registration and checking system will only become mandatory for phased in groups from November 2010. Failure to comply with these free checks could lead to imprisonment and a fine of £5,000.

This scheme's success is dependent on a number of organisations sharing information about registered employees and workers. By sharing this information, it will enable the scheme to identify those who pose a serious risk to vulnerable adults or children.

With existing staff, employers should be asking those who have not yet been CRB checked to apply first, followed by those with the oldest CRB checks. More details of the implementation stages will be issued once confirmed.



EL

Pension changes

Pensions Act 2008

New changes to the pension scheme means obligations on employers have changed. Employees aged 22 or over, earning £5,035 on a pension scheme under Part 1 of the pension Act 2008, will need to be automatically enrolled with effect from 2012.

The responsibility for making this happen rests with the employer and failure to comply will result in compliance notices, a penalty notice and possibly fines being imposed.

All eligible workers, who are not already in a good quality workplace scheme, will be automatically enrolled into either their employer's pension scheme or a new savings vehicle and employers will be required to contribute a minimum of 3% (on a band of earnings) to an employee's workplace pension scheme. This will supplement the 4% contribution from the employee and around 1% from the government in the form of tax relief.

HR Training

For more information on our Employment Law Training Courses please call our team on 08453 100 600 or email enquiries@mhlsupport.com.

Visit our website at: www.mhlsupport.com

ACAS Code of Practice

The ACAS Code of Practice introduced on 6th April 2009 is a few months old now and it is important to look at what effect, if any, the Code has had on dealing with employment disputes.

Need to know more...

If you are unsure how this affects you please call our support line on 08453 100 999 or more information can be found on the ACAS website: www.acas.org.uk

Please visit our website at www.mhlsupport.com

The Code is designed to be less prescriptive; more problem solving which allows issues to be 'nipped in the bud' and the emphasis is on dealing with issues in the workplace rather than seeking recourse through the tribunals.

Where issues cannot be dealt with in the workplace, an employer may use mediation in order to resolve the issue. The mediator need not be an external resource providing they are not involved in the particular issue.

It should be noted that the full effect of the ACAS Code of Practice is not likely to be realised until 2010. This is because transitional arrangements still apply to both disciplinary and grievances and the statutory procedures will continue to apply to incidents occurring before the 6th of April 2009. For example, if an employee raises a grievance in relation to a conduct that occurred prior to 6th April, then the statutory grievance procedure will still apply.

Similarly, if disciplinary action was taken against an employee on 1st April and they lodge an appeal after 6th April, then the statutory disciplinary procedure will still apply.

The Code encourages a number of approaches:

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings or decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations to establish the facts of the case.
- Employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Employers should allow employees to be accompanied at any formal disciplinary or grievance meetings.
- Employers should allow employees to appeal against any formal decision made.

The fact that employee representatives will be able to play a part in the development of the disciplinary and grievance procedures means that the views of employees and their needs in such situations will be

taken into account. This element appreciates the fact that a disciplinary and/or grievance is a stressful and emotive time for employees as well as employers. This will help in ensuring that the root of the problem is identified.

One of the major provisions of the Code is not requiring an employee to submit an official grievance in writing prior to making a claim to an employment tribunal. Prior to the Code coming into force, an employee failing to submit a grievance in writing before making a claim to a tribunal would mean that the tribunal would not have the jurisdiction to hear the claim.

However, the repeal of the statutory procedures means that this is no longer necessary and an employee may now make a claim without having raised a grievance.

Therefore, the importance here may rely on training line managers in identifying grievances and dealing with them appropriately even though they are not in writing.

The Code has tried to move away from the formal and regulatory nature of the statutory procedures; whilst still upholding an encouragement to resolve disputes 'in house'. Tribunals have been given the power to adjust any compensation in a successful claim by up to 25% to reflect a party's unreasonable failure to follow the Code.

However, it is important to note that the Code does not apply to redundancy dismissals. Employers will still be required to follow a fair and meaningful consultation process prior to making a dismissal through redundancy and therefore the procedure to follow in order to make an employee redundant remains the same. ■

www
EL

More on the Web
For more Employment Law advice, visit our website: www.mhlsupport.com

the news in brief...

Redundancy Pay

The Chancellor of the Exchequer announced during the Budget that the weekly rate of statutory redundancy pay will rise from £350 to £380. This will be effective from October 2009.

National Minimum Wage

The UK minimum wage will rise by 7p to £5.80 an hour from October 2009. The rate for 18-21 year olds will rise by 4p to £3.57. The Government also announced that from October 2010, the adult statutory minimum rate would apply to 21 year olds. Presently, their minimum wage is set, together with employees aged 18, 19 and 20, at a lower rate.

What counts as minimum wage?

National Minimum Wage legislation has been amended to prevent employers using tips from customers to top up the pay of staff in order to meet the minimum wage requirements. Currently, employers can count service charges and gratuities processed through the payroll towards the minimum wage that they pay their employees. This will come into effect from October 2009.

Extension to Maternity Pay

The right to paid maternity leave will be extended to 12 months from April 2010 under the Work and Families Act 2006.

Fit Notes

To replace sick notes

Sick leave costs an estimated £100 Billion a year and approximately 3.5% of working time is lost, or roughly 8 days per employee per year. In one of the biggest shake ups in the history of the NHS, the Government is scrapping sick notes and replacing them with "fit notes" in a bid to reduce the number of those claiming long-term sick benefits from 2.6 million to 1.6 million by 2015.

For the last 60 years, GP's have been listing ailments and confirming how long an employee should refrain from work. The "fit note" will be the antithesis; citing what work an employee could perform and how duties could be temporarily altered to take account of their condition.

While Doctors' leaders are welcoming the measures, it is undoubtedly going to be met with some scepticism by employers. The main targets are those with back complaints and mental health problems. However, the question remains, how will a "fit note" work if an employee is off sick with a minor ailment such as the common cold. In addition, contracts and handbooks will need to be amended, absence reporting procedures revised and reasonable adjustments implemented.

The system will be piloted as early as Summer 2009 and is scheduled to replace the current system by 2010.

Working Time Regulations

Retention of the 48 hour opt out

The UK is so far winning the argument with the European Union to retain the 48 hour opt out under the Working Time Regulations after talks broke down in Brussels in April.

Currently the UK is one of 15 countries to opt out of the Working Time Regulations - meaning employees can work more than 48 hours per week by signing an opt out agreement, should they so wish.

The European Parliament voted to remove the opt out to try to avoid the exploitation of workers and to try to reclaim the balance between work and family life.

The UK opposes this one of the arguments being that in the current recessional climate; where money is tight, the option to work over 48 hours for some employees is crucial. In addition, the extra flexibility that the opt-out provides for businesses may be keeping them financially afloat.

Talks will have to be reconvened again soon, with the indication that the UK's stance to oppose the removal of the opt out will remain firm.

Foreign Workers
Recent changes to the Law

Osborne Clarke Services v Purohit

The recent judgment by the Employment Appeal Tribunal in this case highlights the need for employers to review potentially discriminatory practices in recruitment processes.

Mr Purohit was successful in claiming indirect race discrimination against Osborne Clarke for its policy of automatically rejecting applications for solicitors training contracts received from non-EEA nationals. It was held that this policy clearly favoured EEA nationals over non-EEA nationals and it was not for Osborne Clarke to assume that a work permit application would be unsuccessful on the grounds that they believed there were sufficient suitable EEA applicants for the role. In the absence of any robust objective justification for this blanket policy, this indirect discrimination was deemed unlawful.

In light of this case, it is paramount for employers to review similar recruitment and HR processes to ensure that they are not at risk of a discrimination claim which could result in a costly uncapped award at tribunal.

1 Workers Registration Scheme

The Government announced that they intend to extend the Worker Registration Scheme (WRS) until 30 April 2011. This means that employees from the A8 states must continue to be registered with the Home Office within one month of starting work and until they have completed 12 months registered work, at which point the employee obtains a residence permit confirming their right to live and work in the UK.

Employers failing to ensure that their employees comply can be fined up to £5,000. It will also be necessary to provide the employee with a letter confirming the start date of employment and also need to keep a copy of the application form as proof that the employee has applied for registration.

Once the employee has received the registration certificate, the employer should obtain a copy for their records.

2 Identity Cards

The Government plans to phase Identity Cards in completely for foreign nationals outside the European Economic Area by April 2011.

Identity cards are a form of residence permit and replace the stickers previously placed in passports. They include a photograph of the foreign national and require the applicant to undergo a fingerprint scan.

The card is evidence of the holder's nationality, identity and status in the UK. Under the new points-based scheme, sponsors are required to check this card carefully in order to establish an excuse against payment of a civil penalty.

www EL

More on the Web
For more Employment Law advice, visit our website: www.mhlsupport.com

Cases Updates...

Abbot and others v South Tyneside
The case found that equal pay laws can be applied not only by women who compare themselves to men but also by men who are comparing themselves with better paid men.

Rolls Royce v Unite
The case is good news for employers who wish to use length of service as one of the criterions in a redundancy selection matrix. However, employers must still be aware that employees can challenge their selection on grounds of length of service on the basis that it is discriminatory under the age regulations.

T W Nicholson v Grainger Plc and others
The Employment Equality (Religion or Belief) Regulations 2003 prohibit discrimination in the workplace by reason of any religion or belief. This is the first reported case where a claimant has successfully argued a belief, not similar to a religious belief, may be protected under the regulations. Previously, tribunals have tended to take a narrow interpretation of what could amount to a belief.

EL

Holiday during sickness
Stringer v HRMC

January 2009 saw the findings of the European Court of Justice on the much awaited Stringer ruling regarding holiday accrual whilst on long term sick. The case answered two of the most asked questions regarding holiday, namely, whether employees can take holiday whilst off sick from work and whether the holiday entitlement continues to accrue for the duration of the sickness period.

Whilst the European Court of Justice concurred with the long established practice that employees cannot take holiday when sick from work, they also found that the employee will still continue to accrue the entitlement for the whole duration of the absence. This finding is in direct contradiction to the working time provisions which clearly state that holiday must be used in the current leave year otherwise an employee will lose it.

The House of Lords have also deliberated on this point following the decision made by the European Court of Justice and have confirmed that claims for unpaid holiday can be brought as a claim for unlawful deduction of wages in the UK, in addition to a claim under the Working Time Regulations. This means that employees who are persistently refused paid annual leave do not have to bring a claim on each occasion. Instead, they can bring a single complaint that covers a series of refusals provided the claim is lodged under the Employment Rights Act within three months of the last incident.

Furthermore, an employee can accrue and take statutory annual leave during sick leave. Going forward it will be imperative that employers manage long term sickness effectively to avoid incurring any unnecessary additional costs for accrued holiday pay.

EL

Employment Status
Protectacoat Firthglow Ltd v Szilagyi

Mr Szilagyi worked for builders Protectacoat. He claimed unfair dismissal. Protectacoat had a "partnership agreement" in place and argued that he was a partner, not an employee, and so could not claim.

Mr Szilagyi argued that the practical arrangements (such as Protectacoat providing his van and tools and their general degree of control over him) showed he was in reality an employee. The Court of Appeal upheld the employment tribunal finding that an individual was an employee, despite the existence of a services agreement.

In contrast to this, in the case of Premier Groundworks v Jozsa, the claimant provided groundwork services to a building company and had the right to delegate the work to others whenever he chose. He claimed holiday pay under the Working Time Regulations. The Employment Appeal Tribunal held that because he did not have to perform his contractual obligations personally, he was neither a worker nor an employee.

Furthermore, the claimant had to send invoices for the work he did, which indicated that the respondent was his customer, rather than his employer.

EL

TUPE

Royden and Ors v Barnetts Solicitors

An important tribunal decision has been made recently which demonstrates the application of the Transfer of Undertakings (Protection of Employment) Regulations 2006 "TUPE" to firms of solicitors.

In essence, Royden and one other spent a substantial amount of their time working on conveyancing referrals from the Britannia Building Society. Where a mortgage applicant sourced a mortgage from the Britannia, they would ask if they had a solicitor, and if not, they would introduce the borrower to a firm of solicitors (LLW).

Due to a re tendering process, this referral scheme was transferred to 2 other firms of solicitors (Barnetts and Hammonds Direct). Barnetts offered the solicitors positions with them but this would involve them relocating.

The employees resigned, arguing a change to their terms and conditions to their material detriment, contrary to their rights under TUPE. As such, the employees were held to have been dismissed and, as Barnetts could not establish an economical, technical or organisational reason entailing changes in the workforce, the dismissals were held to be as a direct result of the transfer and therefore automatically unfair.

The tribunal found that the relocation was both for economical and organisational reasons but that it did not entail a change in the workforce as there were no changes in the numbers employed or changes to their status.

HR Training Courses

Managing Transfers (TUPE):
TUPE has a reputation as the trickiest procedural regulations in employment law.

Our Managing Transfers Training Course will advise you on how to manage the transfer process as efficiently as possible, keeping legal risks to a minimum.
The course will provide you with the knowledge you need to project manage a transfer, consult with staff and unions and make sound judgements on changes to the workforce.

This course can be held either on or off site and is suitable for up to 12 delegates.

For more information see below.

For more information
The above course is just one example of some of the HR Training courses we can offer but the training we will provide you with will be designed to meet the specific needs of your business.

For more information please contact our Training Department on 08453 100 600 or email enquiries@mhlsupport.com.

HR Training

For more information on our Employment Law Training Courses please call our team on 08453 100 600 or email enquiries@mhlsupport.com.

Visit our website at: www.mhlsupport.com

EL

Agency Workers Directive

Equal treatment for Agency Staff

The Agency Workers Directive ("AWD") which is based on an agreement made by the CBI and TUC last year will provide agency workers with the right to equal treatment in basic working and employment conditions with employees of the end-user, including the same pay, holidays and overtime entitlements as permanent employees, subject to a 12 week qualifying period.

This means that after 12 weeks in a given job, an agency worker will be entitled to at least the basic working and employment conditions that would apply to the worker concerned if s/he had been recruited directly by that undertaking to occupy the same job.

The main purpose of the Agency Workers Directive is to ensure the appropriate protection of temporary agency workers through the application of the principle of equal treatment and to address unnecessary restrictions and prohibitions on the use of agency work and follows similar directives on fixed term and part time work.

This is bound to be met with some apprehension as the new rules are likely to result in larger costs to employers and could lead to a loss of flexibility in the workforce due to business' reliance on the use of agency workers.

The UK's flexible labour market is deemed to be one of its most useful tools to try to overcome the recession and there is a fear that these new proposals could jeopardise what is currently a relatively flexible market with the use of agency workers. There are around 1.4 million agency workers employed in the UK according to the BBC so these new rights will obviously have a big impact on employers.

Whilst the government recently announced its hope to introduce the measures into UK law during the current Parliamentary session, it has come under increasing pressure to delay introduction until 2011.

HR Training: Need to cut costs, but don't want to cut corners?

Thinking about Restructuring or making Redundancies, but worried about Employment Tribunal claims?

Restructuring and Redundancy:

With the current economic climate hitting us hard, many businesses are being forced to review their processes to cut costs. Restructuring is one of the biggest challenges any Organisation will face, not least because of the amount of legislation that surrounds it.

mhl can provide you with an understanding of the ways you need to go about consultation and an understanding of why it is so important. We will also identify the practical steps involved in planning a restructure so that you stay on the right side of the law! To find out how mhl support can help your business, just call us on **08453 100 600** or email **enquiries@mhlsupport.com**

mhl support ltd
Employment Law

First Prosecution under the and Corporate

The Corporate Manslaughter and Corporate Homicide Act 2007 came into force on 6 April 2008, across the UK. Under this Act, juries consider how a fatal activity was managed or organised throughout the organisation, including any systems and processes for managing safety and how these were operated in practice.

By Paul Cadman, Operations Manager

DISPELLING THE MYTHS

- **Conviction of Corporate Manslaughter could result in custodial sentences**
  Individuals cannot be sent to prison if convicted of Corporate Homicide; they can, however, if convicted under the Health and Safety Offences Act.

- **Senior Managers can escape by delegating Health and Safety tasks**
  Senior Managers have never been able to delegate responsibility to a Junior Manager and under the Act, attempting to do this may in itself be construed by the Court as a 'gross breach' of their duty of care.

- **It will not affect my business**
  Not unless you can afford a fine of 10% of your annual turnover (not just your profit) and the effect of a Publicity Order that obliges you to tell whoever the Court sees fit, including customers and the general public, about what you did.

A substantial part of the failure within the organisation must have been at a senior level where "Senior level" means the people who make significant decisions about the organisation or substantial parts of it. This includes both centralised, headquarters, functions as well as those in operational management roles.

The Offence does not require organisations to comply with new regulatory standards; but organisations should ensure they are taking the appropriate steps to meet current legal obligations. Those who disregard the safety of others at work, with fatal consequences, are vulnerable to very serious criminal charges.

The Crown Prosecution Service (CPS) has announced it is bringing the first ever charge under the Corporate Manslaughter and Corporate Homicide Act 2007. On 23 April 2009, the CPS authorised a charge of Corporate Manslaughter against Gloucestershire-based Cotswold Geotechnical Holdings over the death of 27-year-old employee, Alexander Wright. Wright, a junior geologist, was killed in September 2008 when the sides of the pit in which he had been collecting soil samples collapsed and crushed him. The pit had been excavated as part of a survey at a site in Stroud.

As well as Corporate Manslaughter, Cotswold Geotechnical Holdings has been charged with breaching Section 33 of the Health and Safety at Work Act (HSW Act), which is a section that makes it an offence to hinder or obstruct enquiries into an incident.

Continued ➔

Corporate Manslaughter
Homicide Act 2007

Company director Peter Eaton has been charged with gross negligence, manslaughter and with breaching Section 37 of the Health and Safety at Work Act, which states that where a company's offence is committed with the consent, or due to the connivance or neglect of a director, the director will also be guilty of that offence.

Eaton will appear before Stroud magistrates on 17 June 2009 to face charges as an individual and on the company's behalf. Kate Leonard, reviewing lawyer at the CPS Special Crime Division, said: "Under the Corporate Manslaughter and Corporate Homicide Act 2007, an organisation is guilty of corporate manslaughter if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the person who died. A substantial part of the breach must have been in the way activities were organised by senior management. I have concluded that there is sufficient evidence for a realistic prospect of conviction for this offence." The penalty for a conviction for Corporate Manslaughter is an unlimited fine for the organisation, while a conviction for Gross Negligence Manslaughter carries a maximum sentence of life imprisonment for the individual.

As widely predicted, the net effect of all of this is that if a company does not take Health and Safety seriously, the position of individual directors, officers and managers is extremely precarious in prosecutions of this nature, particularly in smaller companies. This announcement makes it crystal clear that the Crown will, where appropriate, go after individuals in a very determined manner. ■

HS

Changes to the Health and Safety Law poster

New version published from 6th April 2009

Employers have a legal duty to display the 'Health and Safety Law: What you should know' poster in a prominent position in each workplace or provide each worker with a copy of the equivalent leaflet outlining health and safety laws. From 6th April 2009, the HSE is publishing a new version of its approved Health and Safety poster and leaflet.

The new version of the poster is modern, eye-catching and easy to read and will provide clearer information for workers about their right to work in places where their health and safety is properly protected. It uses numbered lists of basic points, what employers and workers must do and advises on what to do if there is a problem.

The new version of the leaflet that employers can give to workers, instead of displaying the poster, will be in the form of a pocket card that is better suited to the workplace.

Both workers and employers can expect to benefit from the increased awareness and clearer understanding of key health and safety messages that the new versions will bring. The new poster and pocket card also reduce the administrative cost for employers, who no longer have to add further information and keep this up to date.

If you already have the older style (brown) poster and leaflet, you can continue to use the leaflet until 5 April 2014, as long as they are readable and the addresses of the Enforcing Authority and the Employment Medical Advisory Service are up to date. This information can be obtained from HSE's Infoline on 0845 345 0055.

HSE has managed to keep the price of the new poster and packs of the pocket cards the same. The poster is being printed using a new fully bio-degradable form of plastic. At current VAT rates, the standard version costs £7.34. The semi-rigid version costs £11.75. Packs of the pocket card cost £5.00. The poster and pocket cards can be obtained from www.hsebooks.com or Tel: 01787 881165.

Equivalent easy-read and large print leaflets will be produced, along with an MP3 version on the HSE Talking leaflet website: http://www.hse.gov.uk/pubns/tlindex.htm. The poster and pocket card will also be available in Welsh.

WWW H&S

More on the Web

For more information and resources on this subject visit the HSE website at www.hse.gov.uk

Removing forms and record keeping requirements
New rules have been introduced

As of 6th April 2009, new rules have been introduced to repeal outdated legislation and remove unnecessary administrative burdens on business. It is also with the intended effect to allow the resources of the Health and Safety Executive (HSE) and of local authorities to be better focused on important workplace health and safety issues. This is consistent with HSE's commitment to deliver better, smarter legislation that is easier to understand and apply.

The following changes have been made to the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963:

- Factory employers no longer have to complete the F9 form and register with the HSE and keep records that make up the "general register";
- Office and shop employers will no longer have to complete the OSR1 form and register with their local authority; and
- Railway operators no longer have to complete the OSR7 form to register certain track-side buildings.

These changes do not affect the registration or form filling requirements of other legislation. Some businesses will still have to register and submit forms under other regulations. This will depend on the type of business and the regulations that govern it.

For example:

- Food and catering businesses must continue to meet food standards registration and other requirements which local authorities enforce;
- Businesses producing, storing, using, and/or transporting substances defined under major hazard legislation, must continue to meet major hazard requirements, which the HSE enforces;
- Notification of construction projects; and
- Notification of licensed asbestos work.

If in doubt, contact your local authority's environmental health department or call HSE's Infoline on 0845 345 0055 for advice.

Need to know more...

If you are not sure how this affects you please call our support line on 08453 100 600 or email enquiries@mhlsupport.com

Please visit our website www.mhlsupport.com

HS

IOSH accredited training

New from mhl support

We are delighted to confirm that we have added an important new element to the roster of our services which means we are now able to deliver IOSH accredited Health and Safety Training.

Following the introduction of the Health and Safety Offences Act in January 2009, there is now an even greater exposure on employers to ensure that they "manage safely". The need to be able to prove that your staff have been provided with Health and Safety training is one of the most important aspects of Health and Safety Management. Failure to do so can now lead to increased fines and even custodial sentences.

There are many benefits in ensuring your staff are trained. Of course its a legal requirement to provide training Section 2 (2)(c) of the Health and Safety at Work Act (1974). However, its also an important way to upskill your workforce and help to reduce accidents, which in turn will reduce your absence costs.

Health and Safety Training

For more information on our Health and Safety Training Courses please call our team on 08453 100 600 or email enquiries@mhlsupport.com.

Visit our website at: www.mhlsupport.com

So what is IOSH?

IOSH (The Institute of Occupational Safety and Health) is Europe's leading body for Health and Safety professions. They believe that offering communicated expert advice from competent Health and Safety practitioners is 'an essential component in defining the safety, health and welfare policies of employers.'

Perhaps their most popular course is the IOSH "Managing Safely" and it is this course which we are now able to deliver.

This course is designed to provide your teams with the knowledge to fulfill their responsibilities in handling Health and Safety and is offered on a flexible basis; delivered on or off site and spread across several weeks if required.

The modules covered are:

- Introducing Managing Safely
- Assessing risks
- Controlling risks
- Understanding your responsibilities
- Identifying hazards
- Investigating accidents and incidents
- Measuring performance
- Protecting our environment

What our Clients say . . .

Here is what our clients say about our Training Courses:

"The feedback has been very positive. All of the delegates enjoyed the day and found the topics very informative."
Birmingham Dogs Home

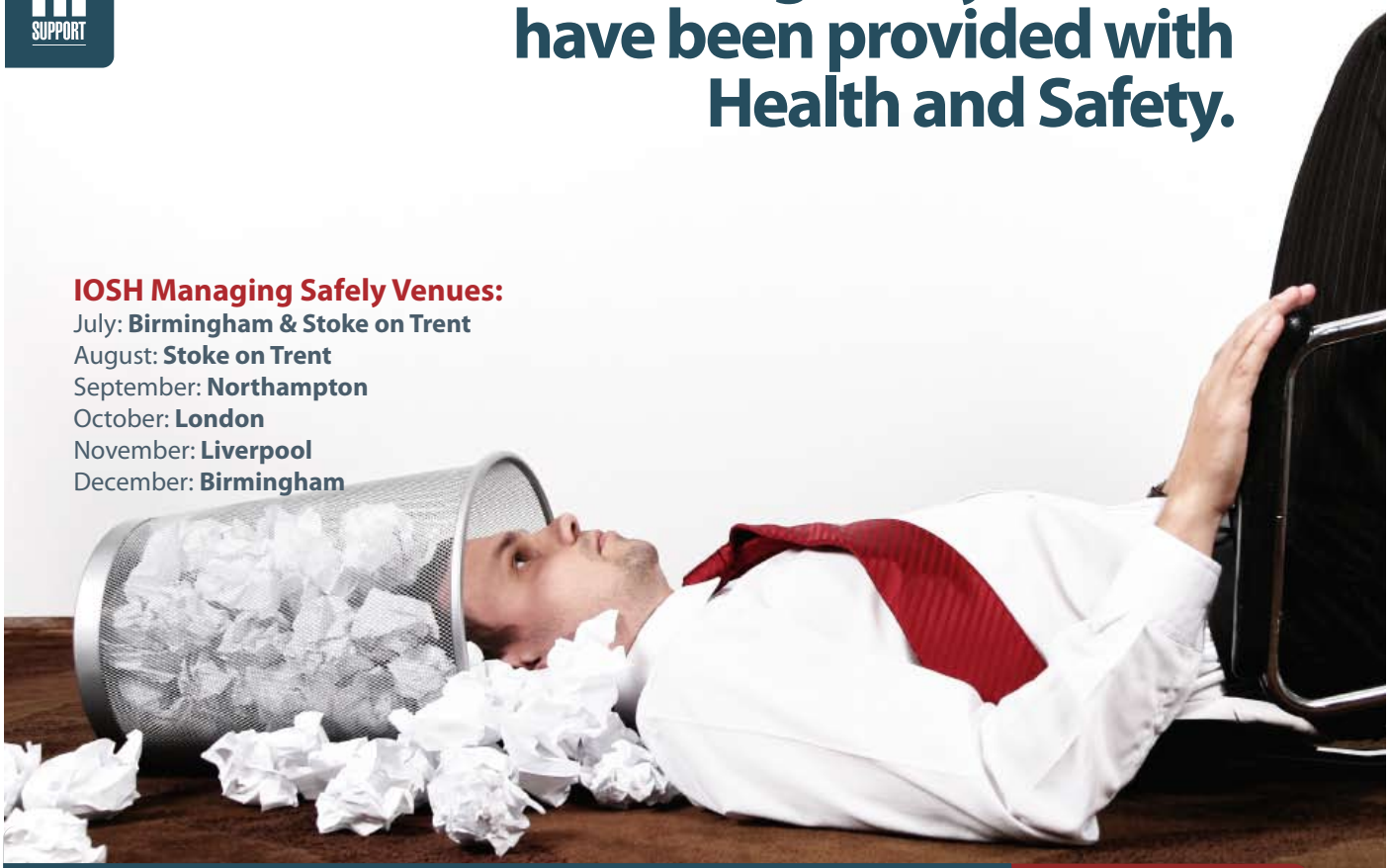
"Your workshop was very well received and we will be contacting you again when required."
Liverpool Museums

"I was bowled over by the results, in fact so stunned I am still coming round."
Wharmbyherst

If you would like to receive details about this or any of our other courses please contact our Training Department on 08453 100 600 or via email training@mhlsupport.com.

IOSH accredited training: Making sure your staff have been provided with Health and Safety.

IOSH Managing Safely Venues:
July: **Birmingham & Stoke on Trent**
August: **Stoke on Trent**
September: **Northampton**
October: **London**
November: **Liverpool**
December: **Birmingham**



New legislation places greater importance on training.

Discounts currently being offered on all bookings made in July.
Call our Training Department on 08453 100 600
or email enquiries@mhlsupport.com.

mhl support ltd
Health and Safety

HS

Positive Safety Culture

Lead by example in Health and Safety

A factory worker received serious injuries while cleaning an unguarded machine at a food-processing factory in Telford.

The general operative was cleaning the conveyor-fed potato-processing machine for the first time but had been shown how to clean it by a supervisor. He was instructed to wipe the conveyor belt with a scouring pad while the machine was in operation.

As he carried out this process his hand came into contact with an in-running nip and it was drawn into the machine. He was unable to free himself and cried out for help. One of his colleagues isolated the machine and then reversed the conveyor belt to free his hand. The operative was rushed to hospital and treated for lacerations, friction burns, and tendon damage to his left forearm and elbow.

The injuries were so severe that he had no feeling in part of his arm and was unable to return to work for three months.

Workers at the factory had previously spotted the potential dangers of this method of work and reported their concerns to management but no action was taken to rectify the situation.

The firm was fined £10,000 and ordered to pay £5000 towards the HSEs costs.
The HSE inspector said: "Adequate safeguards on moving machinery and safe systems of working should always be in place. Employees had themselves spotted fundamental flaws in cleaning procedures and raised their concerns that insufficient safeguards existed for their protection but senior management did not heed those warnings."
"This incident could have been avoided if the company had established a safe way of tackling the job and ensuring that competent persons are regularly assessing and minimising the associated risks."

All Health and Safety policies include a statement by senior management which conveys the intent among other things:

- to provide adequate control of the health and safety risks arising from our work activities;
- to consult with our employees on matters affecting their health and safety;
- to provide and maintain safe plant and equipment; It also will contain employee duties which can be summarised as:-
  Employees shall:
  - co-operate with supervisors and managers on health and safety matters;
  - not interfere with anything provided to safeguard their health and safety;
  - take reasonable care of their own health and safety;
  - and report all health and safety concerns to an appropriate person.

Managers need to be seen to lead by example when it comes to health and safety.

Good managers appear regularly on the 'shop floor', talk about health and safety and visibly demonstrate their commitment by their actions – such as stopping production to resolve issues.

It is important that management is perceived as sincerely committed to safety. If not, employees will generally assume that they are expected to put commercial interests first and safety initiatives or programmes will be undermined by cynicism. Management should listen actively to what they are being told by employees and take what they hear seriously.

Active employee participation in safety is important to build ownership of safety at all levels and exploit the unique knowledge that employees have of their own work. This can include active involvement in workshops, risk assessments, plant design etc. In companies with a good culture the story from employees and management is consistent and safety is seen as a joint exercise.

HS Developing Property
Legal responsibilities for Health and Safety

If you are developing property which you do not intend to live in, you are likely to have legal responsibilities for health and safety.

Anyone developing property and having construction or building work carried out has legal duties as a 'client' under the Construction (Design and Management) Regulations 2007 (CDM 2007), unless they are a domestic client.

If the construction work lasts longer than 30 days or involves more than 500 person days of work then the project has further duties such as notifying the HSE of the work, appointing a CDM co-ordinator, appointing a principal contractor, making sure a health and safety plan is in place and keeping a health and safety file.

Contact mhl for further advice and assistance.

For any person developing a property, you should:

Appoint the right people
Make sure those responsible for the design and build are competent and have sufficient resources.

Allow adequate time
Allow enough time for the design, planning and construction work to be undertaken properly.

Provide information to the team
Provide information on how the site will be used and existing structures or hazards such as asbestos.

Make sure that you and your team communicate and co-operate
During the design stage, it is particularly important that you and your designers and contractors talk early on about issues affecting how the structure will be built, used and maintained.

Make sure there are adequate welfare facilities on site
Make sure that the contractors have been provided with adequate welfare facilities for construction workers (a source of drinking water; enough toilets; adequate washing facilities with warm water; storage for clothing; and somewhere under cover for workers to rest and eat).

Examples of what can go wrong

Asbestos
A developer purchased a block of flats for refurbishment into luxury apartments. The building, dating from the 1960s, contained asbestos in all the bathroom ceilings and in the lift shaft. He took on the role of principal contractor and recruited a demolition crew for the "soft-strip" of the building. They thought this included the bathroom walls and false ceilings. The whole building became heavily contaminated with asbestos dust.

The clean up and disposal of the asbestos cost the developer £170,000.

He had not planned for any means of escape in case of fire during refurbishment and had to pay for scaffolding around the building to provide a secondary means of escape costing £100,000.

The developer was later prosecuted for failing to prevent the spread of asbestos fibres and inadequate fire precautions. He was fined £150,000 plus £34,000 costs.

Falls from height
A couple bought a former bakery to convert into a bistro business at a projected cost of £77,000. They appointed a building contractor, recommended by their architect, who they paid £40,000 up front for.

The contractor failed to plan the work to ensure the workplace was safe.

Continued ➔

Three weeks into a 12-week job, one of the contractor's workers fell through an unprotected skylight opening and was killed.

The couple fired the contractor and their project was seriously delayed, costing them valuable time and money as they were unable to trade during this period. They also had to appoint another contractor to complete the job.

The contractor was subsequently sent to prison for manslaughter.

Public Safety

A property developer had bought a row of houses and was refurbishing them himself. He was working an excavator when the bucket unintentionally hit a wall. The wall collapsed onto his neighbour, who had just stepped into the alleyway between the houses and was subsequently killed.

The developer had known who died and could no longer face doing any further work on the properties. What he should have done was appoint a competent plant operator and a banksman for the day.

He could also have erected a perimeter fence, which would have cost him approximately £200 including delivery, collection and assembly. ■

www H&S

More on the Web

For more information please visit our website www.mhlsupport.com

HS

RIDDOR statistics – *Care Homes*
Improvement notices made from HSE inspections

RIDDOR stands for the Reporting of Injuries Diseases and Dangerous Occurrences Regulations. The RIDDOR statistics have been steadily increasing for employees and the public. In 2007/08 there were a total of 4,503 injuries reported for employees and 1,049 for service users.

Poor compliance with key health and safety requirements were identified during a series of HSE inspections in 2008/2009. From a sample of 74 inspections undertaken by HSE in England and Wales, the following improvement notices were issued:

Improvement notice type	***Number issued***
Bedside rails	26
Legionella	18
Falls/windows	9
Hot water/surfaces	4
Manual handling/training	2
LOLER *(relates to lifting equipment e.g. patient hoists)*	2
Latex	2
Management of asbestos	2
Total	***65***

HSE is writing to every care home in England, Scotland and Wales reminding them of their responsibilities under health, safety and care legislation. This follows a major police investigation into alleged cases of neglect in a number of care homes in Wales.

Care home fined £80,000 after boiler room fire

High risk area mistakenly used as storage

A care home company has been fined £80,000 and ordered to pay costs of £20,000 under Fire Safety legislation following a boiler room fire in January 2008 at one of its care homes.

In September 2008, Southern Cross Healthcare Ltd pleaded guilty to 7 offences under the Regulatory Reform (Fire Safety) Order at Staines Magistrates' Court, but the magistrates referred the case to Guildford Crown Court for sentencing.

The fire started as a result of accumulated general rubbish and storage in the boiler room. It was also found that staff were not instructed in the findings of the fire risk assessment, which had identified the boiler room as a high risk area and should not be used as a storage area. In addition, the care home did not have an adequate system for implementing and reviewing the fire safety arrangements on the premises, so placing the people who were in their care and their staff at increased risk.

Fall from height prosecution

Company fined by Magistrates

On 17 July 2008, a 53-year-old employee of Dodson and Horrell Limited was oiling the chains on a machine that stacks bags of animal feed onto pallets, when he fell approximately 6 feet, resulting in bruised ribs and a punctured lung.

The company was fined £2,000 and ordered to pay costs of £2,255 at Kettering Magistrates Court on the 11 June 2009, after pleading guilty to breaching Regulation 3(1)a of the Management of Health and Safety at Work Regulations 1999 in that they failed to make a suitable and sufficient assessment of the risks to the health and safety of their employees undertaking maintenance that involved working at height.

Prosecuting, HSE Inspector Michelle Morrison said:

"The risks of working at height always need to be fully assessed as every month 1,000 workers suffer a serious injury following a slip, trip or a fall in the workplace..."

Blaze at Fire Service College

Experts cannot always get it right

On the 16th May 2009 a large fire took place at the Fire Service College in Moreton in Marsh, Gloucestershire which destroyed 11 fire engines valued at £1.3m and the workshop they were kept in. The workshop also contained 1200 litres of diesel and 500 litres of hydraulic oil.

Crews from 2 other counties assisted as well as a damage control unit and environmental protection unit, to help tackle the fire. No-one was hurt. An investigation into the cause of the fire is now underway. It just goes to show that even the experts cannot always get it right.

It is a legal requirement under the Regulatory Reform (Fire Safety) Order 2005 for a fire risk assessment to be completed for all workplace premises. Make sure you have completed yours. If you require further information on the requirements or would like a fire risk assessment conducted for you by one of our experts, please contact our Support Line.

Health and Safety Training

For more information on our Health and Safety Training Courses please call our team on 08453 100 600 or email enquiries@mhlsupport.com.

Visit our website www.mhlsupport.com

HS

New first aid training arrangements

Introduced by the HSE from 1st October 2009

From 1 October 2009, HSE is introducing new arrangements to the first aid training regime. This will not require any change to the current Regulations. If it has been assessed that first-aiders are to be provided by an employer in the workplace then they must hold a certificate of competence in either:

- First Aid At Work ('FAW' – now reduced from a 4 day to a 3 day course), issued by a training organisation approved by HSE; or
- The New Emergency First Aid At Work ('EFAW' – a 1 day course), issued by a training organisation approved by HSE or a recognised Awarding Body applying a training standard set by HSE.

Registered medical doctors, nurses and paramedics are able to administer first aid in the workplace without the need to have an FAW or EFAW certificate - providing they have current knowledge and skills in first aid, training and experience. The new EFAW training enables a first-aider to give emergency first aid to someone who is injured or becomes ill while at work.

FAW training includes EFAW and also equips the first-aider to apply first aid to a range of specific injuries and illness. Employers should use the findings of their first aid needs assessment to help them decide whether first-aiders should be trained in FAW or EFAW. By 1st October 2009, the HSE will issue new guidance on selecting how many first-aiders or appointed persons an employer may require and whether first-aiders should be trained in FAW or EFAW. If the needs of the workplace require FAW trained first-aiders to be provided, it is not an acceptable alternative to provide EFAW trained first-aiders.

Both the FAW and EFAW certificates are valid for 3 years. The requalification course for FAW is 2 days and it is the same course again for EFAW. Employers need to arrange retraining before the certificates expire. HSE recommend that first-aiders undertake annual refresher training during any 3 year FAW/ EFAW certification period but this is not mandatory.

The new training arrangements do not affect first-aiders holding a valid FAW certificate obtained under the existing arrangements. However, where a first-aider retrains on or after 1 October 2009, the new arrangements will apply.

The 'appointed person' will remain for the minimum requirement where an employer's first aid needs assessment identifies that a first-aider is not necessary.

Health and Safety Training

For more information on our Health and Safety Training Courses please call our team on 08453 100 600 or email enquiries@mhlsupport.com.

Visit our website at: www.mhlsupport.com

HSE Pledge

mhl to promote a positive Health and Safety culture

You may have recently seen that the Health and Safety Executive are urging companies to sign their Pledge and we are asking our clients to do the same. The purpose of the pledge is to promote a positive health and safety culture within your business and show your commitment to reducing risks to staff, customers and the general public.

In doing so you will:

- Agree to play your part in reducing the number of work-related deaths, injuries and ill-health in the UK.
- Put health and safety at the heart of what you do and to take a common sense approach to health and safety.
- Commit to debunking the myths around health and safety that trivialise the impact of injuries, ill health and deaths on individuals and their families.
- Recognise the importance of health and safety in difficult economic times and the dangers of complacency.
- Pledge to work with the Health and Safety Executive and its partners to be part of the solution.

It is very easy to register, all you need to so is to log onto www.hse.gov.uk/strategy/pledge.htm. If you are experiencing any difficulties please contact the HSE Hotline on 0845 345 0055 or mhl's Health and Safety Department on 08453 100 600 who will be happy to assist.

Changes to the HSE website

New look website helped by the site's visitors

Have you ever struggled to find the information you wanted from the HSE's website and have then just given up? Well, your frustration may have come to an end. The website is going through dramatic improvements with many of the improvements based on recommendations provided by users of the site - so hopefully it will be easier for you to keep up to date with change and find the guidance, case studies, videos, presentations etc. you need.

Every week until March 2010 – the HSE will launch at least 1 new 'micro-site' for a specific industry or health and safety topic. You can also sign up for the weekly free ebulletin, where you will be able to view what is new, recent additions/amendments, press releases, updated guidance and publications and news about campaigns and initiatives. The new look website can be found at the same website as previous which is: www.hse.gov.uk

Need to know more...

For more information and resources on this subject contact the HSE on 08453 450 055 or visit the HSE website.

Visit the HSE website www.hse.gov.uk

HS European Week of Safety and Health
mhl support to take part in this year's campaign

This year we will be taking part in the European Week of Safety and Health which is focusing on Risk Assessments. This campaign is intended to promote the benefits of completing and implementing a risk assessment and to show how the risk assessment process can be simplified using your own in-house team.

Throughout the week we will be inviting both clients and prospective clients to join in a series of free Webinars which we hope will help your team to understand that risk assessments need not be as onerous as you think. For more details visit our website at www.mhlsupport.com.

Health and Safety Services

For more information on our Health and Safety Services please call our team on 08453 100 600 or email enquiries@mhlsupport.com.

Visit our website at: www.mhlsupport.com

HS Business Continuity Management (BCM)
Company fined by Magistrates

A Business Continuity Management system template following BS25999 in its approach, will shortly be available to assist companies in identifying potential business exposure and any interactions between diverse areas of operation. This will help them to implement adequate measures to prevent a potential business-affecting incident, such as the current Swine Flu Pandemic, from having a negative impact on the ongoing activities of the business. It will rely on significant input from senior management and other relevant staff of the company in order to gain the best results from the system.

Larger companies, with more complex and diverse operations, will be able to use the full system in establishing procedures covering disaster recovery, including IT systems through to whole company risk reduction measures. Smaller companies may only need certain elements such as disaster recovery at a high level. The system is modular in nature, allowing it to be tailored to the needs of individual companies, so different requirements can be met without overloading staff with unnecessary tasks.
All documents are available electronically so the end user can print off further copies of the documents or amend them as required.

Our Business Continuity Institute qualified team will introduce the system to the senior management and guide the relevant managers of different functions through the step-by-step process. As and when the company has reached the various milestones and is in a position to move forward, we can also re-visit and assist in progressing through to the next step. mhl support can also offer training for management and ongoing test and exercise support, as well as an audit function for mature systems.

Waste Batteries and Accumulators Regulations 2009

New regulations relating to the treatment and recycling of batteries

On 5 May 2009, the Government's new regulations relating to the collection, treatment and recycling of batteries in the UK came into force. They are the Waste Batteries and Accumulators Regulations 2009.

The regulations apply to all 'producers' of batteries and accumulators. A 'producer' is anyone who places batteries and/or accumulators on the UK market for the first time, e.g. through import or wholesale supply. Batteries within products are also included as well as anything from computers and household items to animated toys.

All producers must now record the weights and types of batteries they place on the UK market and from January 2010, they must report quantities, broken down by weight of lead-acid, nickel cadmium and 'other' from 5 May to 31 December 2009.

The Regulations, however, treat large and small producers differently.

'Large' producers are those placing more than one tonne of portable batteries onto the UK market each year. They will have to pay for the collection, treatment, recycling and disposal of waste batteries in proportion to their market share. They will do this by joining a Battery Compliance Scheme, which will also register member producers with the appropriate environmental regulator.

'Small' producers are those that place less than one tonne of portable batteries onto the UK market each year. They will not have to pay for the collection and treatment of waste portable batteries but must still register with their environmental regulator.

Retailers selling more than 32kg of portable batteries/accumulators each year must take them back in-store from 1 February 2010. The batteries will then be collected under arrangements with compliance schemes. However, the regulations also allow retailers to contact any compliance scheme to arrange a collection, with a 21 day deadline to do so.

Environmental Services

Environmental Management Systems

The mhl Environmental Management System is made up of easy to follow steps that guide you through the assessments and audits required to actively manage your environmental risk.

By allocating a dedicated consultant to assist you throughout the process, you will have the expertise and guidance to manage all environmental risks so you can operate more efficiently, both reducing your operational costs and the impact on the environment.

For more information see below.

Products & Services

- Management systems
- Policies
- Procedures
- Training
- Strategy
- Energy Audits
- ISO14001 Certification

For more information about our services, please visit **www.mhlsupport.com.** For a no obligation review meeting, please call **08453 100 600.**

Need to know more...

If you are unsure on how this affects you please call our Support Line on 08453 100 999 or email enquiries@mhlsupport.com

Please visit our website at www.mhlsupport.com

EN Abattoir waste turns tributary red

Company found guilty for contamination to local watercourse

On 11th June 2009, an abattoir company based in Wiggonby, Wigton was fined £5,000 and ordered to pay costs of £3,127 at Carlisle Magistrates Court for polluting Pow Beck with effluent containing blood.

Black Brow Abattoir Limited pleaded guilty to the offence of causing polluting matter to enter controlled waters in April 2008. The leak from the abattoir caused the local watercourse, a tributary of Pow Beck, to turn blood red and damaged the eco-system, killing invertebrates.

The Court heard that the Environment Agency had investigated following reports by members of the public that the tributary had turned red. Process wash water from the company's effluent treatment plant had overflowed into a bund. The bund is intended to provide containment in the event of a spillage. However, the wash water had escaped and discharged to the watercourse via a land drain. The resulting pollution caused fungus to grow over a 500m stretch of the beck. This caused the levels of oxygen to fall in the water, killing and damaging water life.

Commenting on the case, Environment Officer Chris Boak said, "This was a serious organic pollution incident which damaged the eco system of the watercourse and caused distress to the public due to the change in the colour of the water. Companies need to be aware that they have an overall duty to supervise activities on site to ensure pollution is not caused."

EN Raid on suspected illegal electrical waste exports

Environment Agency investigate industrial site around London

Environment Agency enforcement officers raided 2 sites in east London and Essex on 8th June 2009 in the most significant action to date in preventing the suspected illegal export of electrical waste from the UK. More than 100 personnel took part in the Environment Agency-led operation which was supported by officers from the Metropolitan and Essex Police service.

Following an intelligence-led investigation Environment Agency teams swooped on almost 500 storage and shipping containers at an industrial site in Rainham, east London and at a farm near Upminster, Essex. Around 50 people were questioned before Environment Agency officers began searching containers, gaining access using bolt-cutters and steel grinders.

Many containers were found packed with waste electrical and electronic equipment (WEEE) - such as old TVs, computer monitors and fridges - suspected of being destined for Africa.

National Enforcement Service Project Manager, Chris Smith, said: "The Environment Agency is stepping up efforts to stop electrical waste being illegally sent abroad.

"Our investigations have found that the majority of this equipment is beyond repair and is being stripped down for raw materials under appalling conditions in Africa. But the law is clear - electrical waste must be recycled in the UK, not sent to developing countries in Africa where unsafe dismantling puts human health and the environment at risk.

EN

Carbon Reduction Commitment (CRC)

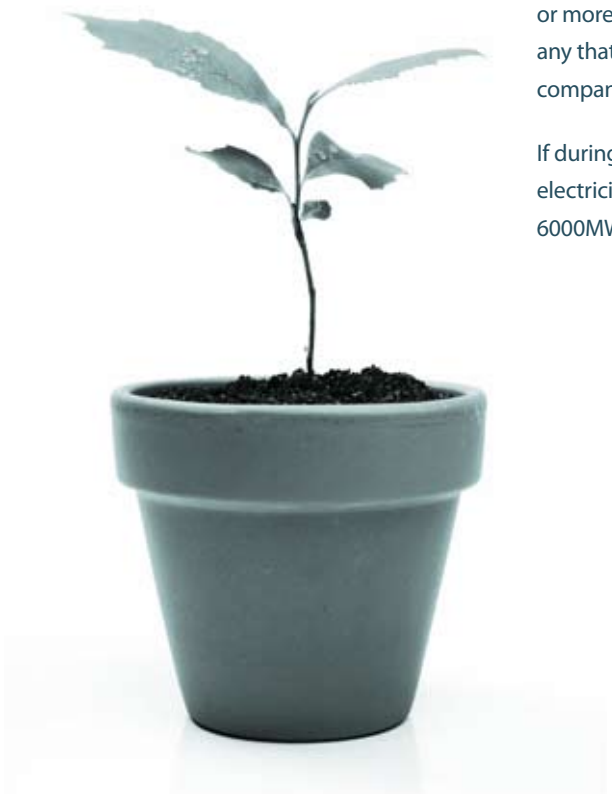
How the CRC may affect you and your business

Background

In order to help the UK meet its carbon reduction commitments, from 2010, companies that use the most electricity will be required by law to make it public knowledge how much carbon their business releases into the atmosphere under the Carbon Reduction Commitment (CRC) scheme currently being introduced across the UK.

In order that electricity supply can be closely matched to demand, businesses using the most electricity are metered through 'Half Hourly Meters' (HHMs) that supply information on consumption on a half hourly basis. A separate market and pricing mechanism for such electricity exists, known as the 'Half Hourly Market'.

Any business that has consumed electricity through a HHM, settled on the half hourly market, during the calendar year 2008 will be required to submit information about electricity consumption during that year under the CRC scheme.



Do I Qualify?

Although all businesses with an HHM settled on the half hourly market will be required to submit some information under CRC, not all will qualify fully.

Qualification for CRC is based on the level of consumption during 2008. If during that year your business consumed 6000MWh or more, through all your HHMs (including any that are read automatically) then your company will qualify fully under CRC.

If during 2008, your consumption of electricity was between 3000MWh and 6000MWh, then your company will not qualify fully under CRC but will still have to make an 'Information Disclosure' about your electricity consumption to the Environmental Regulator.

If during 2008, your consumption of electricity was less than 3000MWh, then your company will not qualify fully under CRC but will still have to supply some information to the Environmental Regulator.

What do I need to do?

First, find out whether you have any half hourly meters that were settled on the half hourly market during 2008 – if you are unsure, contact your supplier/energy broker and obtain conformation in writing if possible. If you did not, you do not qualify under CRC.

Secondly, if you had a half hourly meter settled on the half hourly market during 2008, calculate your total usage over the year by adding up the total amount of electricity monitored by all half hourly meters.

Finally, determine the extent to which your business will qualify under CRC and ensure that you start to prepare now for registration that will take place in April 2010.

www
EL/HS/EN

More on the Web

For more Environmental advice, visit our website: www.mhlsupport.com

At mhl support,
we think green business
is good business...
mhl
SUPPORT
A Sustainable Proposition to Earth Friendly Businesses
An awareness of the environment and how we can affect it is constantly in the spotlight these days. The consequences of our actions are increasingly used to force companies to operate sustainably and with as little affect on the environment as possible. As energy and waste disposal costs rise year on year, taking action to reduce our effect upon the environment is an ever more financially attractive proposition
mhl support ltd
Environmental
Call: 08453 100 600 for your free no obligation appointment with one of our consultants