Religious Discrimination • Hand Arm Vibration at Work • The Kyoto Protocol

Knowledge*base*

mhl support ltd's client quarterly risk management publication

Volume 1, Issue 3; Fourth Quarter January 2010

Employment Law • Health and Safety • Environmental • Risk Management

Occupational Health Reports

New Guidance for GP's

Our Employment Law Support Line tells us more.
New guidelines introduced from October 2009 impose greater restraints on independent medical advice.

COPD

Awareness and Management

mhl's H&S Team tell us more.
mhl look further into the important risk factors to the disease.

Safeguard your business from flooding

Let mhl protect you from the worst

Our Environmental Team tells us more.
Risks of flooding remain a significant threat to business continuity.

Right to Request Time off for Training

Our Employment Law Support Line tells us more

mhl are pleased to announce that we will shortly be launching our own **compliance marks**, which you can add to your website and corporate stationery.

The purpose of the mark is to provide evidence to stakeholders, customers, suppliers and your employees that your organisation is working towards best practice in the fields of Employment Law, Safety and Environmental Management.

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Welcome from Cy Green
January 2010

Happy New Year and welcome to the latest edition of mhl support's "Knowledge*base*" newsletter.

First of all I am delighted to announce the appointment of Michael Slade as Managing Director of mhl support. Michael brings extensive experience in delivering professional services to the role and has shown, whilst operating in the capacity of Marketing Director in the second half of 2009, that his leadership and multi-sector experience are well suited to mhl support's needs. Michael will also continue to lead the marketing activity in addition to his MD duties.

Whilst we remain in a period of economic instability, there are some indications that 2010 could see signs of improvement, although recovery is predicted to be much slower than it has been typical in recent business cycle upturns. In the first half of the year, we think that the recession is likely bump along the bottom, but the indications are that things should improve from there onwards. However, mhl support is well positioned to help our clients face the challenges ahead, meeting all of their compliance requirements efficiently and cost-effectively.

Our teams have been working hard in the last few months, preparing new products and services that you have been asking for. First off, we are pleased to announce that our pay go employment law service is available. This exciting development provides a competitive offering, which is proving attractive to smaller organisations for whom our core service is not the right solution.

In the coming months, we will be launching a number or other services, including 'mhl solutions'- aimed at supporting clients through the challenges of people and organisational change, whether through growth or from the need to downsize. In our 'mhl online' world we are looking forward to launching a HR Online, and to further development of our successful eRAMS product. We have more planned for the rest of the year, so more from Michael on that in the next issue of **Knowledge***base*. mhl support remains very focused on understanding and meeting your needs – so we welcome feedback and comments.

I hope that you will find our latest **Knowledge***base* newsletter 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. If you would like to speak to me or to Michael personally, please call on 08453 100 600 or email cy.green@mhlsupport.com or michael.slade@mhlsupport.com.

Cy Green, Executive Chairman

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

Discover how to improve business performance by motivating staff

Our leadership development programme is suitable for executives and managers who require a good grounding in strategic leadership and team building skills. Designed to develop individuals in line with the tough and demanding business environment of today. So if you are ready to take up the challenge of managing people, simply contact our EL training department at: enquiries@mhlsupport.com for more information.

Call: 08453 100 600 for your free no obligation appointment with one of our consultants

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16 Health and Safety
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Cover Story

Right to Request Time off for Training
New changes to be introduced in April 2010 that will favour employees who wish to request time off from work in order to undertake relevant training.

EL

Occupational Health Reports

New Guidance for GP's introduced from October 2009

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

The General Medical Council has recently issued new guidance to all doctors which detail their obligations when assisting with independent medical reports. These new guidelines impose greater restraints on an employer's ability to gain independent medical advice in an area which often proved advantageous to many employers.

This guidance, which took effect on the 12 October 2009, provides employees with enhanced control over any independent medical report produced by a doctor who has not been involved in any treatment provided. The new guidance more closely resembles the obligations covered by the Access to Medical Reports Act 1988 in respect of GP reports.

At present, when an employer requests a doctor's report from a medical practitioner who has treated the employee, such as the employee's own GP, any report which is then produced is covered by the requirements of the Access to Medical Reports Act 1988. This includes for an employee to have the option to see the report before it is sent to the employer, to ask for amendments, to attach a statement to the report and the right to refuse the report being sent to the employer.

However, where a report was sought from an independent doctor who had not been involved in treating the employee, such as an occupational health provider, the Access to Medical Reports Act 1988 did not apply. However, in view of the new guidance issued by the General Medical Council, new restrictions will now apply to mirror those presently in place under the Access to Medical Reports Act 1988.

An independent medical adviser will now be expected to only disclose a report to the employer where they are completely satisfied that the employee has given their express consent for this to happen and that such consent has been given in the full knowledge of the purpose of the report and the likely results following from it. Furthermore, independent medical advisers are also encouraged to offer to show the report to the employee before disclosing this to the employer.

Additionally, independent medical advisers will only be able to disclose facts that are relevant to the employer's request and they must also make the employee expressly aware that relevant information cannot be concealed or withheld by the independent medical adviser.

In view of this, it is important to ensure that an employee expressly consents to have an independent medical assessment and this consent should be given in writing. An employer should also ensure that the employee is advised fully of the reasons for requesting the report.

In addition, employers should continue to be clear in their requests for the information sought from the medical examination, as independent medical advisers are going to be reluctant to comment on aspects that have not been expressly requested.

Please contact support line if you have any queries requiring specific advice on the impact of the new guidance.

EL

Tribunal Statistics
April 2008 to March 2009

The Employment Tribunal statistics for 1 April 2008 to 31 March 2009 have recently been released and highlight the need for all employers to ensure they are fully compliant with all aspects of employment law to avoid hefty payouts.

Notably, the more substantial awards have generally been in respect of discrimination claims which are uncapped at tribunal. The tribunal statistics are outlined below:

	Maximum Award	Average Award
Unfair Dismissal	£84,005	£7,959
Race Discrimination	£1,353,432	£32,115
Sex Discrimination	£113,106	£11,025
Disability Discrimination	£388,612	£27,235
Religious Discrimination	£24,876	£10,616
Sexual Orientation Discrimination	£63,222	£23,668
Age Discrimination	£90,031	£8,869

Unfair dismissal claims accepted at Employment Tribunal have increased from 40,941 to 52,711 over the last year, this being an increase of nearly 29%. The current economic climate also appears to have had an impact, with accepted redundancy claims for failure to inform and consult increasing by a massive 154% from 4,480 to 11,371 and redundancy pay claims by 48% from 7,313 to 10,839.

Given that the consequences of a successful Employment Tribunal claim can be so financially damaging to most employers, it is vital that you ensure full compliance with the complexities of employment law. mhl are here to help you comply and avoid such consequences so please ensure that you contact the Support Line should any issues arise.

news update...

Additional Paternity Leave

Postponed to April 2011

The Government has announced that it is postponing the introduction of additional paternity rights even further and has now confirmed that the changes will not be introduced until at least April 2011.

The changes will see eligible fathers able to take up to 6 months of the mother's maternity leave where the mother returns from leave after 6 months. Similar rights will be introduced in respect of adoption leave.

This delay will enable employers more time to consider how they will administer the new changes.

We will continue to keep you informed on the implementation of the new rights in future editions.

EL Training

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

Right to Request Time off for Training

To be introduced from April 2010

Employment law is set to develop further in favour of employees under new regulations set to be introduced from April 2010. This new right will enable all eligible employees the right to request time off from work in order to undertake relevant training.

By Brendan Wincott, Support Line Advisor

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 mhl website: www.mhlsupport.com

Please visit our website at www.mhlsupport.com

Under these new regulations, the type of training covered by the right will be wide in scope and generally, provided that the purpose of the training is to improve the employee's effectiveness in the employer's business and to improve the performance of the employer's business, the training will fall within this right. The training may be undertaken on the employer's premises or elsewhere, such as a college or even at home. The right will also apply even where the training does not necessarily result in the awarding of a recognised qualification.

The new legislation is set to be introduced in phases and is to target larger employers first before then moving onto employers with fewer staff. The legislation will first be introduced in April 2010 and apply to employers who employ more than 250 employees before then being rolled out to all employers at some point after April 2011. The intent behind the legislation is that it will encourage employers to invest in training their staff in order to drive their businesses forward. The right will be designed around the present process for requesting flexible working and certain eligibility attached to the right will also mirror some of those requirements presently in place for the right to request flexible working.

An employee will only be able to make one request every 12 months for training and must have a minimum of 26 weeks service to be able to request time off for training. Furthermore, any request made will trigger a formal procedure for the employer to follow in order to deal with the employee's request, including arranging a meeting within 28 days upon receipt of an employee's written application, followed by a written decision and the right of appeal. The employee will also have rights to be accompanied at such meetings.

The right only covers a right to request the time off and it is not therefore an absolute right. The request needs to be approved by the employer and an employee has no automatic guarantee of being allowed to take the time off. As with the rules for flexible working requests, an employer will be able to turn down the employee's request, but in order to do so, they need to ensure that it falls within at least one of the specified grounds defined in the regulations. These specified grounds will relate to the employer's business needs and will largely mirror those currently in operation for flexible working requests.

An employer will not be obliged to pay the employee's salary or training costs as part of this new right, but the Government are suggesting that where possible, employers should endeavour to do so.

Where you are considering paying or contributing to the costs of any training within these regulations or otherwise, it is advisable to get the employee to enter into a training agreement specifying that if they leave during or within a certain time frame after completing the training, they undertake to reimburse you with all or a proportion of the contributions that have been made. mhl can help you with such an agreement if this is required.

Where an employer fails to follow the prescribed procedures or where they turn down an employee's request without justifiable reason, an employee will be able to make a complaint to an Employment Tribunal. Where the Employment Tribunal finds any such complaint to be founded, they can make an order requiring the employer to reconsider the employee's application or they can make an order awarding compensation at amounts that it considers to be just and equitable in all the circumstances.

Employees exercising their rights under this new legislation will also be protected from being dismissed as a result of exercising these rights and from suffering any other detriment. This will be another of the reasons for automatic unfair dismissal where no qualifying service will be required. mhl would advise employers to contact the support line if they are considering dismissing any such employee in order to obtain specific advice on the particular situation.

In addition to obligations on employers under the new legislation, there will also be certain duties on employees. These include an express obligation to keep the employer informed about matters relating to the training, including notifying them where they fail to complete the training or where the training that they subsequently undertake differs from the study that the employer originally agreed to.

The legislation will be supported by a number of orders made by the Secretary of State and more specific details to follow in due course. We will keep you informed on these in future editions. ■

case update...

Religious Discrimination

Ladele v London Borough of Islington

The Court of Appeal has upheld the Employment Appeal Tribunal's decision in this case that Ms Ladele was not discriminated against either directly or indirectly and that she was not harassed on grounds of her religious beliefs.

Ms Ladele worked as a registrar of births, deaths and marriages. As part of her duties, she was expected to undertake civil ceremonies for same-sex couples. However, as she was of Christian faith she held the belief that same sex partnership was contrary to her religious beliefs.

Her employer expected her to perform her duties despite such religious beliefs, but Ms Ladele sought to argue this was discriminatory on grounds of her religious beliefs. The Court of Appeal dismissed her appeal against the Employment Appeal Tribunal's decision who ruled that she had not been discriminated against or harassed on grounds of her religious beliefs.

Religious Discrimination

McFarlane v Relate Avon Ltd

Mr McFarlane was employed by Relate as a relationship counsellor. As part of his duties, he was responsible for providing relationship advice to couples. These duties included speaking with both heterosexual and homosexual couples. The employee was of Christian faith and as part of his religious beliefs, he held the view that same-sex sexual activity was sinful and that he could not endorse such action. This, therefore, put him in conflict with his position as a relationship counsellor.

Relate had an equal opportunities policy which made clear that it would provide relationship counselling to anyone regardless of sexual orientation. Relate became concerned about the conflict that the employee's religious beliefs caused on his duties and sought a commitment from the employee that he would continue to counsel same-sex couples, which the employee was unable to provide. Relate dismissed the employee, who in turn claimed both direct and indirect religious discrimination and unfair dismissal.

The Employment Tribunal held that Relate would have dismissed anyone who refused to perform the duties, hence the claim of direct discrimination failed. The claim of indirect discrimination was also unsuccessful as Relate were able to objectively justify any disparate treatment. The Employment Tribunal's decisions were endorsed by the Employment Appeal Tribunal on appeal.

Philosophical Belief

Grainger plc v Nicholson

The Employment Appeal Tribunal (EAT) held that a belief in climate change is sufficient to amount to a philosophical belief under the Employment Equality (Religion or Belief) Regulations 2003.

The employee in this case asserted that he was dismissed because of his belief in climate change and hence discriminated against in view of his philosophical belief. The employer on the other hand asserted that the reason for the dismissal was redundancy.

On a preliminary point, the Employment Tribunal held that the employee's belief in climate change was sufficient to amount to a philosophical belief which the EAT confirmed on appeal. A philosophical belief was described as a substantial aspect of human life and behaviour that is persuasive and important, worthy of respect in a democratic society and which does not conflict with the fundamental rights of others.

Independent Safeguarding Authority
Update on further implementation dates

Following our previous article on the Independent Safeguarding Authority (ISA) in our second quarterly edition of our newsletter, more details have now been published on the phased implementation of the new vetting and barring scheme and the requirements to register with the ISA.

As mentioned in our previous article on this topic, under new legislation introduced from October 2009, the Government has begun introducing, on a phased basis, a requirement that any person wishing to work with children or vulnerable adults will be required to be registered with the ISA.

However, the requirement to register will apply at different stages depending on the various points at which the implementation plans dictate registration. Detailed below are some of the key dates associated with the implementation of this new scheme:

12th October 2009

From this date, new offences were introduced to make it unlawful for an employer to knowingly allow a barred person to work in a regulated activity and on the reverse of this, for an employee to knowingly apply for a role in a regulated activity while on the barred list. The barred list has been formed to combine a number of lists such as the protection of children (POCA), the protection of vulnerable adults (POVA) and List 99 which is designed to include details of people unsuitable to work in a regulated or controlled activity. Additionally, from this date, there are also new duties on employers to make referrals to the ISA where certain conduct arises in the workplace. Employers are able, from this date, to check the relevant barred list as part of an enhanced CRB check.

April 2010

From this date, an employer who is recruiting or transferring anyone who is entering or moving within a role in a regulated activity will have to carry out a barred list check. It is at this point that a barred list check becomes compulsory.

26 July 2010

This is the date when individuals can start to apply for registration with the ISA where they move roles or commence a new role in a regulated activity. However, registration is not mandatory at this stage.

1 November 2010

At this point registration with the ISA becomes obligatory for all staff that apply to work within or transfer within a regulated activity. It will become a criminal offence at this point to take on a member of staff who is not ISA registered.

31 July 2015

This is the proposed final date where everyone working in a regulated or controlled activity needs to be registered with the ISA.

Employment Law Training...

mhl's suite of Employment Law courses focus on developing the skills of those in your business who are responsible for managing staff.

For more information please contact our Training Department on 08453 100 600.

Visit our website at www.mhlsupport.com

news update...

Protected Disclosures

The Government have begun consultations into proposals that details of any protected disclosure cases (or whistle blowing cases as they are commonly known) will be forwarded on to the relevant regulatory body to investigate the substance of the protected disclosure.

For example, should an employee brings a claim for having been dismissed as a result of disclosing a health and safety malpractice to their employer, then if the Government's proposals are introduced, employers could see the details of the alleged malpractice being passed to regulatory bodies such as the Health and Safety Executive for investigation.

This is only a consultation at this stage. We will continue to keep you informed on how this develops.

Visit our website for regular news updates at: www.mhlsupport.com

EL

Associative Disability Discrimination

Coleman v Attridge Law

Ms Coleman was a legal secretary working for Attridge Law and was the principal carer for her disabled son. She resigned her position and brought an Employment Tribunal claim on the grounds that she had been unfairly dismissed and discriminated against under the Disability Discrimination Act 1995 (DDA), due to her son's disability, alleging that she was treated less favourably than parents with non-disabled children.

The DDA, when taken literally, does not apply to discrimination by association in that it states:

"(1) …. an employer discriminates against a disabled person if—
(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply"

The Act itself refers directly to the disabled person and makes no mention of discrimination on the grounds of association.

Ms Coleman argued that the DDA contravened the EU Framework Directive in that this Directive made associative discrimination unlawful and so the DDA should be interpreted in line with EU law.

The Employment Tribunal referred this point to the European Court of Justice (ECJ) for further clarification. The ECJ confirmed, in July 2008, that the EU Framework Directive did cover associative discrimination. The case returned to the Employment Tribunal who held that the DDA should be interpreted so as to apply to discrimination by association. This decision has now been endorsed by the Employment Appeal Tribunal.

The facts of this case have yet to be decided. However, it is a clear warning to all employers that the DDA may be applied to situations where employees are treated less favourably because of their association with a disabled person.

EL

Injury to Feelings

Da'Bell v NSPCC

In 2002 in the case of *Vento v Chief Constable of West Yorkshire Police* the Court of Appeal issued guidance on how to assess an award for "injury to feelings" in discrimination cases. The court set 3 bands for awards for injury to feelings which became known as the Vento Bands (low band: £500 to £5,000, middle band: £5,000 to £15,000, and upper band: £15,000 to £25,000).

However, since being introduced, these bands have not been increased, despite around 7 years of inflation. In view of this, the Employment Appeal Tribunal has now revised the 3 bands of awards for injury to feelings so that the lower band is now £500 to £6,000, the middle band is £6,000 to £18,000 and the upper band is now £18,000 to £30,000.

In view of this, compensation in discrimination cases is likely to increase to reflect the new bands.

EL

Pay Enhancements and National Minimum Wage

Hamilton House Medical Ltd v Hillier

The Employment Appeal Tribunal (EAT) has confirmed that any enhancement for unsociable hours (in this case, an enhancement for working nights) is disregarded from national minimum wage calculations.

The employee in this case was paid a basic rate of pay which was less than the national minimum wage, but the employee spent the vast majority of her time working nights on a weekday or at weekends, at which time an enhancement was paid at a rate of time and one third and time and two thirds respectively. When applying these enhancements, the hourly rate of pay was in excess of the relevant national minimum wage.

On the few occasions when the employee undertook day time training, she would receive only her basic pay.

The employee complained of a breach of the national minimum wage legislation and pursued a complaint to the Employment Tribunal who held that she had received less than the national minimum wage on the basis that the enhancements were disregarded from the national minimum wage calculation.

The EAT have affirmed this decision, not withstanding the employer's argument that as the employee worked almost always at night when an enhancement was payable, her true hourly rate of pay was the enhanced hourly rate after the relevant enhancement had been applied. As such, any employee's hourly rate of pay when calculated should exceed the national minimum wage before any enhancements are applied.

case update...

The Protection from Harassment Act 1997

Veakins v Kier Islington Ltd

The Court of Appeal has recently handed down its judgement in this case which is authority for the proposition that a manager's persistent campaign of harassment can be conduct deemed to be of an oppressive and unreasonable nature, to attract civil liability under the Protection from Harassment Act 1997 for which the employer can be vicariously liable.

This case follows a previous similar ruling in 2006 by the House of Lords in the case of *Majrowski v Guy's and St Thomas' NHS Trust* where the employer was deemed vicariously liable for the acts of a manager in their campaign of harassment towards the employee.

Cases under this legislation within the employment sphere have been few and far between. However, there appears recently to be a few cases applying this legislation to employment circumstances. Notably, the Court of Appeal in this case did express opinion that cases of this nature will often be best suited as a separate claim in the Employment Tribunal.

case update...

Dress Codes

Dansie v The Commissioner of the Police for the Metropolis

The Employment Appeal Tribunal (EAT) has recently held in this case that a requirement for a male employee to have his hair cut short in order to keep it within the prescribed dress code is not discriminatory on grounds of sex even where no such requirement applies to female staff.

The EAT has affirmed previous case law on the topic, holding that it will not be contrary to sex discrimination legislation to apply a gender specific requirement as part of a dress code provided that:

- Any such requirement is applied in an even handed manner;
- It reflects conventional gender standards in society; and
- When comparing the dress code for the respective sexes as a whole, neither are any less favourable than the other.

TUPE Application

OCS Group UK Limited v Jones and another

This was a case concerning an alleged service provision change under the Transfer of Undertakings (Protection of Employment) Regulations 2006 "TUPE". OCS operated the catering services at a car plant and as part of this they managed 4 'satellite' branches that sold hot and cold food. The employee was a chef supervisor who spent most of her time preparing the hot food at these satellite branches. Their client transferred the catering function to MIS who would provide only cold pre-packed snacks at these satellites.

The employee argued that there had been a relevant service provision change where the contract had changed from one contractor to another giving her the right to have her employment transferred to MIS. However, the Employment Appeal Tribunal held that the duties performed by MIS at the satellites were substantially reduced and different to those undertaken by OCS and hence there was no service provision change giving rise to a TUPE transfer.

TUPE Consultations

Royal Mail Group Ltd v Communication Workers Union

In this case, the Court of Appeal has confirmed that an outgoing contractor (transferor) is only obliged to consult over a relevant transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 "TUPE" about the legal, economical and social implications of the transfer as they believe them to be.

If the transferor mistakenly consults over the wrong implications of the transfer, this in itself will not result in a protective award of up to 90 days pay for a failure to consult in accordance with Regulation 13 of TUPE.

In this case, the Royal Mail wrongly informed the trade union that TUPE did not apply when in fact it did. However, as the Royal Mail genuinely believed it did not apply and as this belief was genuinely held, the Court of Appeal concluded that Royal Mail had not fallen foul of their duties to consult with appropriate representatives.

Case Study: PS Transport

Company Wide Training Results in Clear Business Benefits

Congratulations to PS Transport, a client of mhl support, who following the design and implementation of a company-wide training plan, helped to ensure key profit targets were met, boosting the company's net worth despite a backdrop of the highest ever fuel prices.

PS Transport is a road haulage company that transports temperature controlled and ambient goods and general cargoes. They operate through the UK and customers include many blue chip manufacturers as well as brokers and importers.

Back in 2006 they instigated a large scale change in staffing. A director was promoted to Managing Director, a new Transport Manager was introduced and several driving staff were replaced and a 3 year strategy was developed. Training and development needs at all levels in the company were key to implementing this strategy and thus a programme was developed, tailored to individual needs.

This programme covered all aspects of training from bespoke strategic planning and people management training for the newly appointed Managing Director to regular safety briefs and external one day driving courses for the drivers.

The training resulted in many business benefits including a recorded reduction in fuel usage of between 12% and 55%, an overall increase in average mpg, vehicle accident costs reduced from £28,000 to £3,800, insurance premiums reduced by 50%, introduction of a new VAT scheme which has substantially improved working capital by approximately £13,000 and the development of positive relationships with customers resulting in a constant payment pattern.

In addition, PS Transported retained their "Investor in People" status in November 2008, receiving very positive feedback. The ultimate result is that the company maintained breakeven in 2007 and then subsequently exceeded their gross profit target by 2% and achieved its net profit target in 2008.

Mr Richard Ellis, Managing Director, comments "The training programme has provided links directly to specific targets in the business plan aimed at increasing operational efficiency and reducing risk, therefore impacting on profitability. An intangible of the programme is that it has created the opportunity for staff to make a contribution to the success of the company and helped gain support for the achievement of our aims".

The success of PS Transport highlights the importance of training and development and the positive effect this has on performance, even in the most difficult of economic climates.

For more information on training and development courses which mhl can provide please contact Helen Pemberton on 08453 100 600.

Chronic Obstructive Awareness &

As World COPD day recently took place on Wednesday 19 November 2009, mhl looks further into how Chronic Obstructive Pulmonary Disease (COPD) is a progressive, irreversible lung disease which kills about 30,000 people a year in the UK alone. Although smoking is the most important risk factor for COPD, occupational exposure to fumes, chemicals and dusts may together account for around 4,000 deaths each year.

By Joel Gordon, Health & Safety Consultant

COPD stands for Chronic Obstructive Pulmonary Disease. This is a term used for a number of conditions; including chronic bronchitis and emphysema. There are approximately 30,000 deaths each year from the disease in the UK (NICE 2004). In addition, there are 21.9 million working days lost due to COPD and it is the 4th leading cause of death throughout the world.

What are the causes of COPD?

Many people believe it is only coal miners and smokers that get COPD. In fact, inhaling in too many fumes and/or dust in the workplace could also put you at risk of developing COPD - this is greatly increased if you also smoke. Evidence suggests that there would be around 4,000 fewer deaths if occupational risks (dust, smoke, fumes) were removed.

Can COPD be cured?

Unfortunately once COPD develops the damage to the lungs cannot be reversed. However, you can prevent it from getting worse by reducing exposure to the dust, fumes and irritating gases at work that are causing the problem, and if you do smoke, by stopping.

Causes of COPD

According to the HSE there are two ways you can look at what causes COPD in the workplace, including:

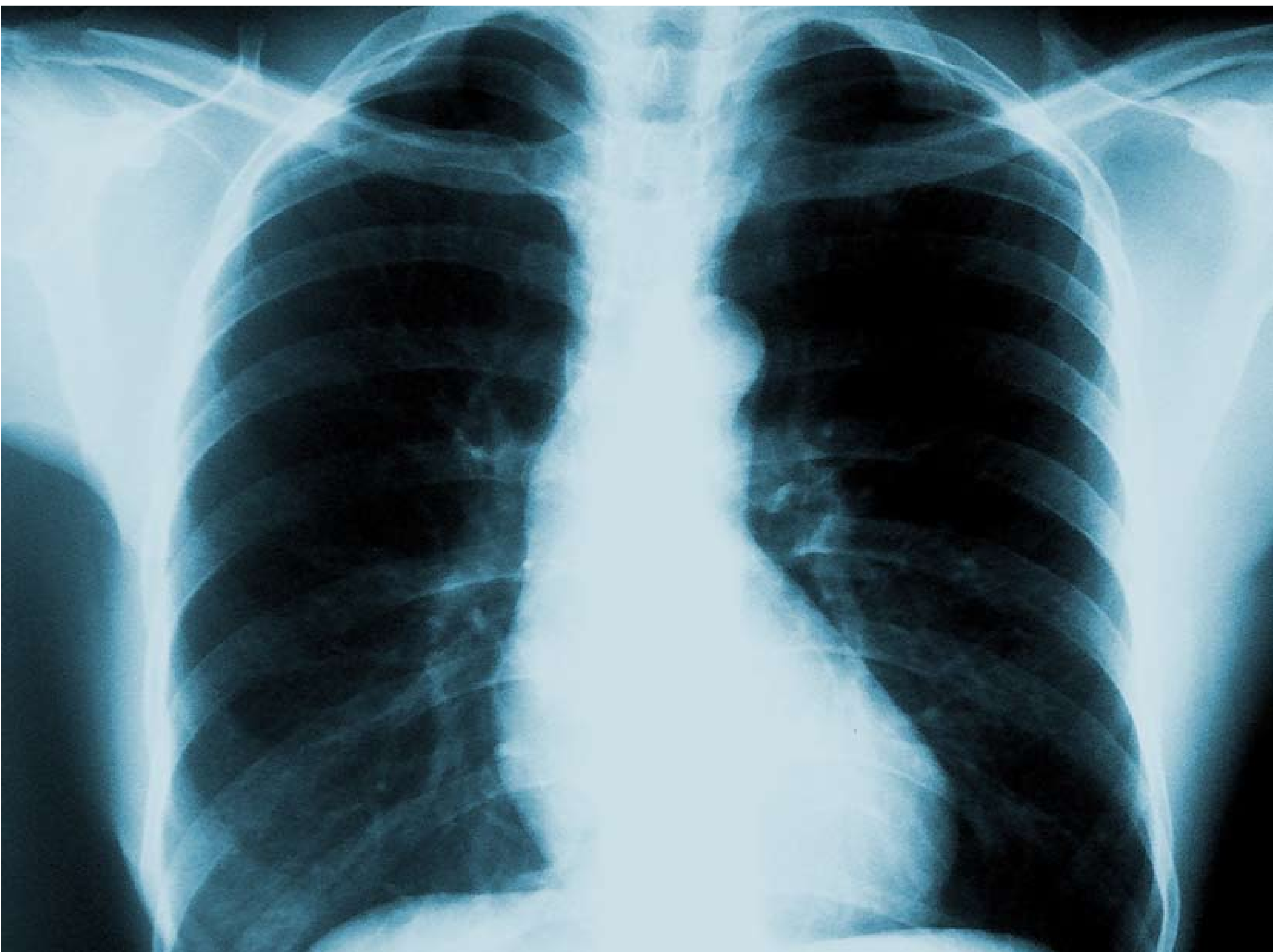
- Occupations - where COPD is most common
- Substances - that can cause COPD

THINGS TO CONSIDER

- Preventing dust, fumes and irritant gases from entering the air is usually more effective, simpler and cheaper than controlling dust once it is in the air.
- The Control of Substances Hazardous to Health (COSHH) Regulations require employers to control exposure to hazardous substances to protect employees' health.
- Employers must assess the exposure (exposure means taking in chemicals by breathing in, by skin contact or by swallowing) and the risk that this exposure would cause undue health effects.

Continued ➔

Pulmonary Disease (COPD) Management



- HSE has looked at research and the following occupations where substances are used that are linked to COPD:
  - Agriculture
  - Brick making
  - Cadmium workers
  - Coal mining
  - Construction, building trades
  - Dock workers
  - Flour and grain workers in the food industry
  - Foundry workers
  - Petroleum workers
  - Pottery/ceramic workers
  - Quarrying
  - Rubber and plastics manufacturing
  - Stonemasonry
  - Textile workers
  - Welders

A wide variety of dust or fumes have the potential to cause COPD if exposure is high and over a long period of time. For example, studies suggest the following substances have the potential to cause COPD:

- Cadmium dust/fumes
- Coal dust
- Cotton dust
- Grain and flour dust
- Mineral dust
- Organic dust
- Silica dust
- Welding fumes

Some of these occupations and substances are also linked to other diseases. For example, welding fumes can cause fume fever and pneumonia. Some can also cause occupational asthma.

What can be done?

HSE has produced the following advice:
Employers can:

- Use water for wet techniques including cutting, grinding or blasting and for suppression on dusty roadways.
- Buy dust-reduced materials e.g. pellets, tablets, solutions or pastes and use pre-weighed material in sealed bags.
- Segregate – put dusty machinery in a separate room or automate processes.
- Carry out risk assessments

Employees should also make it part of their daily duties to:

- Vacuum clean – do not use brushes or compressed air.
- Handle materials 'gently' – lower the distance they fall or are thrown and reduce machine speed or power.
- Improve your work practices – do not drop material and avoid creating draughts.
- Control waste – Use closed bags or containers, do not allow wet waste to dry out and remove it frequently from your workplace.

Equipment:

- Power tools – Reduce grinding and sawing and ensure all equipment is maintained to a high standard.
- Keep machines clean.
- Use effective Local Exhaust Ventilation (LEV).
- Use Respiratory Protective Equipment (RPE) when required.

Once it is in the air it is not only the dust you can see, it is also the dust you cannot see that is a problem. The dust particles that can penetrate deep into the lungs are not usually visible to the naked eye. Special lighting techniques can be used to reveal the dust particles.

Supplementary information

The Control of Substances Hazardous to Health (COSHH) Regulations, require employers to control exposure to hazardous substances to protect employees' health. Employers must assess the exposure (exposure means taking in chemicals by breathing in, by skin contact or by swallowing) and the risk that this exposure would cause undue health effects.

COSHH requires you to consider the substitution of harmful products with less harmful ones. If this is not possible then you must use adequate control measures.

COSHH requires that all controls be kept in good working order, including:

- Mechanical controls e.g. local exhaust ventilation, protective gloves
- Administrative controls e.g. supervision
- Operator controls e.g. following instructions

Health monitoring

If a substance definitely causes COPD in your workplace, then you will need to consider whether health surveillance is required for compliance with COSHH. This may be the case, for instance, if your employees use cadmium. You should seek the help of a competent advisor.

For a substance where the evidence of a link with COPD is less certain, then HSE would still recommend that you consider health monitoring of your workforce.

Health surveillance or monitoring would involve an assessment of individuals' fitness for work at the start of employment by means of symptom enquiry and lung function testing. Thereafter employees should be asked about new or worsening respiratory symptoms and have repeat lung function testing at intervals. Information arising from health surveillance and monitoring of individuals and groups of employees can help you assess whether the control of dust in your workplace is adequate.

As previously mentioned, some substances that cause COPD also cause occupational asthma. Any occupation where there is a risk of occupational asthma requires regular health surveillance.

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 published 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.

More on the Web

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

the news in brief...

First aid arrangements update

An update to the article volume1; issue 1; Second Quarter of Knowledgebase, the Health and Safety Executive (HSE) has now introduced the new first aid arrangements for all employers to apply.

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.

Below is a weblink to the HSE's latest guidance– which includes a checklist for assessment of first aid needs: http://www.hse.gov.uk/firstaid/index.htm

HS Fatally flawed system led to paint sprayer's death

Cleaning firm to pay fine from pleading guilty

A blast cleaning firm must pay £174,000 in fines and costs after a 975kg metal plate crushed an employee to death at its site in Kent.

An employee suffered fatal injuries on 20th October 2006 when the large unsecured and unstable plate he was about to seal and paint fell on top of him. He later died in hospital.

HSE inspector David Fussell said his employer had relied on a "fatally flawed" system of work. A complete lack of control over employees' safety meant that people had to decide for themselves how best to secure the heavy metal plates. Fussell, goes on to say, if the company had assessed the risks from working with the plates and implemented some cheap and simple controls, it could have avoided the incident.

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act for failing to ensure employees' safety. On 29 September 2009, the company was fined £150,000 plus costs of £24,000.

HS Hand arm vibration at work

Are you doing enough to protect your employees?

Hand-arm vibration comes from the use of hand-held power tools and is the cause of significant ill health (painful and disabling disorders of the blood vessels, nerves and joints). The Control of Vibration at Work Regulations 2005 were introduced to better protect workers from vibration at work and came into force in July 2005.

Key messages from the HSE:

- HAVS is preventable, but once the damage is done it is permanent.
- HAVS is serious and disabling, and nearly 2 million people are at risk.
- Damage from HAVS can include the inability to do fine work and cold can trigger painful finger blanching attacks.
- The costs to employees and to employers of inaction could be high.
- There are simple and cost-effective ways to eliminate risk of HAVS.
- The Control of Vibration at Work Regulations focus on the elimination or control of vibration exposure.
- The long-term aim is to prevent new cases of HAVS occurring and enable workers to remain at work without disability.
- The most efficient and effective way of controlling exposure to hand-arm vibration is to look for new or alternative work methods which eliminate or reduce exposure to vibration.
- Health surveillance is vital to detect and respond to early signs of damage.

Employers have a duty to protect employees and should be working on measures to reduce the risk. The law says that the employer has to find out what levels of vibration you are exposed to and assess the risk to your health from vibration at work.

HS

Falls from windows

Risks to consider for care providers

The hazards presented by falling out of windows to vulnerable people are well known and publicised. There have been a number of successful prosecutions following accidents to vulnerable people, including one where a fine of £20,000 was imposed following the death of an elderly resident falling from a window.

There are 3 broad categories of falls from windows in care homes:

1. Accidental falls;
2. Falls arising out of a confused mental state; and
3. Deliberate self-harm.

Accidental falls are a minority, but can occur where a person is sitting on a window sill, or where the sill height is low and acts as a pivot, allowing them to fall out. HS(G) 220 Health and Safety in care homes recommends:

1. Windows that are accessible to vulnerable service users, 2m above ground level, which can be opened and are large enough to allow people to fall out should be restrained sufficiently to prevent such falls. Advises to restrict the opening to 100mm;

2. Double-hung sash-type windows which can be easily and cheaply modified to reduce the size of the opening by screwing wood blocks into the sash boxes;

3. Casement windows restricted by the fitting of a chain between the frame and the opening light. Any restraining device and fixings should be strong enough to withstand damage;

4. Any window alterations should be discussed with the local Fire Prevention Office.

Risk Assessment

The HSE are aware that some care providers like to make their environment as 'homely' as possible with certain service users and allow some windows to be opened as in a domestic setting. However, according to the HSE, care providers must give protection to the most vulnerable people in the premises. A risk assessment should consider the needs of the person using the care service and look carefully at all foreseeable situations that could give rise to risk.

A generic risk assessment may be appropriate if the client group is likely to change rapidly. It would not be practicable to reassess the risk and modify the controls each time a person uses the care service, enters or leaves the premises.

An individual risk assessment should be carried out if the generic risk assessment identifies potential for harm to vulnerable people who are likely to jump or fall. Furthermore, a balance has to be made to ensure the health and safety of an individual is not put at risk and that the independence of others is not unnecessarily curtailed.

Monitoring arrangements

As with all safeguarding arrangements in care homes, suitable arrangements, including regular and documented inspections, should be in place to ensure that safety features in windows are in place, maintained and functioning properly.

Training

Adequate training and supervision should be provided to ensure that staff understand the risks, precautions to be taken, and the need to report any difficulties to a responsible person.

Need to know more...

There is continued serious concern of people who use care service falling from windows in health and social care premises.

For more information on this matter please email mhl: enquiries@mhl support.com

HSE to double inspections of asbestos removal contractors

Hidden Killer Campaign

It is understood that the HSE plan to double inspections of licensed asbestos removal contractors over the course of the next two years. Currently, the frequency of asbestos inspections of around 800 in 2008-09 will increase to 1600 by the end of 2010-11.

The decision in May of this year, by the HSE's field operations directorate, determined that asbestos inspections are part of the new strategy and its asbestos Hidden Killer campaign. The executive is appointing more fixed-term inspectors and is training more new inspectors in asbestos removal checks in order to support the increase in the number of inspections.

The HSE was notified of 30,758 asbestos removal works in 2008-09 and inspected one in 38, which was a considerable increase on the preceding year when only 1 in 63 asbestos removal works were checked.

However, the HSE said the purpose of the inspections is to check contractors are maintaining safe standards of work and removing asbestos in line with the requirements of the Control of Asbestos at Work Regulations.

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

Training

Why your staff could be at risk . . .

We all know that we need to train our staff, without training we cannot maintain quality. However, without proper training we are also putting our staff at risk. This could be because the staff need to carry out tasks which entail manual handling, using machinery or working in environments which require the wearing of protective equipment.

We all give training, sometimes it is by sending staff on external courses, other times it is 'on-the-job' training. 'On-the-job' training is a very suitable method of training as it relates directly the task at hand.

But only too often, it is carried out by the new employee being trained and shadowed by an experienced and competent member of staff. This is a good start but on many occasions, the training does not run to a brief or method statement. The problem can then lead to new employees receiving different standards of training.

All training should be suitable and sufficient for the task or job. A method statement or safe work procedure should be completed and these are perfect ways to communicate and train staff in the safety aspects and procedures of any potentially hazardous job.

Remember that good training records can be worth their weight in gold when it comes to providing evidence in civil compensation claims brought against you. A good training record will demonstrate that the staff member knew how to perform the job safely and was adequately instructed and monitored. This can go a good way to defending your case.

If you are struggling to complete suitable method statements or safe operating procedures, remember that mhl's eRAMS software is specifically designed to help you through this process. If you require further information please speak to your health and safety consultant or contact our support line on **08453 100 999**.

Construction Design Management (CDM): How mhl can assist you

If you don't have surplus resource in-house, you should outsource this role to mhl support. We'll save you time, money and unnecessary worry. Our highly skilled and experienced team of specialist CDM Coordinators are ready to support your construction project by ensuring compliance with all the relevant CDM Regulations. That way, you have a competent person on site whenever needed. If you would like any more information on our Health and Safety Consultancy Services please do not hesitate in contacting one of our dedicated team.

Call: 08453 100 600 for your free no obligation appointment with one of our consultants

More on the Web...

Visit the mhl website to read more about the current issues and challenges facing your business today.

See how our range of extended Health and Safety Services, including training, can enrich your business in the current climate.

www.mhlsupport.com

Lifeguard fined after father-of-three drowns

Employee fined for being distracted whilst on duty

A lifeguard who failed to notice a father-of-three lifeless at the bottom of a Walsall swimming pool was convicted at Wolverhampton Crown Court. The father-of-three had got into difficulties but one of the lifeguards on duty was distracted for a prolonged period while supervising the pool and failed to spot him lying at the bottom.

The Health and Safety Executive (HSE) prosecuted the lifeguard over the incident on 27 July 2006. He was convicted of breaching Section 7 (a) of the Health and Safety at Work Act 1974 for failing in his duty to take reasonable care for the health and safety of pool users. The jury failed to reach a verdict on a second lifeguard, who was also charged with the same offence. The jury was discharged.

The court heard how the lifeguard was on pool side duty at the indoor baths on Gorway Road in Walsall. He was distracted from his duties and was in no position to spot the swimmer who had got into difficulties, or react in time to have a chance to save him. The court imposed a fine of £200 on Alex Cotterill from Willhenhall for the incident.

Section 7(a) of the Health and safety at Work Act states: "It shall be the duty of every employee while at work to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts and omissions at work."

Window cleaner falls from flat roof

Firm fined for not supervising worker

HSE has prosecuted a Lincoln firm after one of its workers fell four metres from a roof, breaking eight ribs and sustaining a back injury.

The employee was cleaning windows at Lincoln College, when he climbed onto a flat roof to clean the windows of a neighbouring building, and over reached and fell.

On 27 October 2009, A. Nicoll & Son Limited pleaded guilty to breaching regulation 4(1) of the Work at Height Regulations 2005 for failing to ensure cleaning work was properly planned and supervised. The company was fined £2,500 and ordered to pay £2,948 and 20p in costs by Lincoln Magistrates' Court.

The Work at Height Regulations 2005 apply to all work at height where there is a risk of a fall liable to cause personal injury. The Regulations require duty holders to ensure:

- all work at height is properly planned and organised;
- all work at height takes account of weather conditions that could endanger health and safety;
- those involved in work at height are trained and competent;
- the place where work at height is done is safe;
- equipment for work at height is appropriately inspected;
- the risks from fragile surfaces are properly controlled; and
- the risks from falling objects are properly controlled.

HS

Display Screen Equipment (DSE)

Precautions to consider when working with the equipment day-to-day

Computer workstations or equipment can be associated with neck, shoulder, back or arm pains, fatigue and eyestrain. These aches and pains are sometimes called upper limb disorders (ULDs) or repetitive strain injuries (RSI). These problems can be avoided by following good practice.

Display screen equipment (DSE) is any work equipment having a screen that displays information. Typical examples are computer screens often called monitors or VDUs.

According to the Health and Safety Executive (HSE), surveys have found that high proportions of DSE workers report aches, pains or eye discomfort. Mostly these conditions do not indicate any serious ill health, but it makes sense to avoid them as far as possible.

The Health and Safety (Display Screen Equipment) Regulations aim to protect the health of people who work with DSE. That does not mean that DSE work is risky – it is not, if the user follows good practice like setting up their workstation well and taking breaks in intensive work.

The Regulations were introduced because DSE has become one of the most common types of work equipment. There is, therefore potential to make work more comfortable and productive for very large numbers of people by taking a few simple precautions.

The DSE Regulations are for the protection of people (employees and self-employed) who habitually use DSE for the purposes of an employer's undertaking as a significant part of their normal work.

Who is the display screen user or operator?

The DSE Regulations are for the protection of people (employees (users) and self-employed (operators)) who habitually use DSE as a significant part of their normal work.

Where it is clear that the use of DSE is more or less continuous on most days, the individuals concerned should be regarded as users or operators. It will generally be appropriate to classify the person concerned as a user or operator if they:

(a) normally use DSE for continuous or near-continuous spells of an hour or more at a time; and

(b) use DSE in this way more or less daily; and

(c) have to transfer information quickly to or from the DSE; and also need to apply high levels of attention and concentration; or are highly dependent on DSE or have little choice about using it; or need special training or skills to use the DSE.

What do employers have to do?

Employers have to:

- Analyse workstations and assess and reduce risks.
- Ensure workstations meet minimum requirements.
- Plan work so there are breaks or changes of activity.
- On request, arrange eye tests and provide spectacles if special ones are required.
- Provide health and safety training and information.

What should I do if I have any problems?

If you are a VDU user and believe you have health problems connected with your work, it is recommended that you talk to your supervisor, manager or safety representative first. Employers have a duty to consult their employees or employee representatives on health and safety issues. It is good practice for employers to encourage early reporting of health problems, help sufferers obtain treatment they need and support through their return to work.

Further information on managing DSE users, including a DSE assessment form, can be found in your Health and Safety Management System or can be made available on request via the support line.

Need to know more...

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

Please visit our website at www.mhlsupport.com

Safety use of vehicle tail lifts

HS

Are you making sure that they can be used safely?

Tail lifts are used extensively on a daily basis in Britain. Their correct use contributes to the overall safety of vehicle loading and unloading activities.

Tail lifts are classed as lifting equipment under the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER 1998). These regulations require that a competent person should conduct a risk assessment on the tail lift operation. Any identified corrective actions should be implemented.

The risk assessment should address the following areas:

Falls: Annually 50% of accidents involving tail lifts relate to falls from or slips on the tail lift and from being struck by falling materials. The risk assessment should review the use of fall protection devices in line with the operational use of the tail lift. Fitting suitable guards to the tail lift will help meet the requirement under the Work at Height Regulations 2005 to ensure that all open sides of a raised platform are suitably equipped to prevent falls.

Maintenance: The tail lift should be maintained in accordance with the manufacturer's instructions.

Thorough examination and testing: As the tail lift is classed as being lifting equipment under LOLER 98, then it should be subject to a thorough examination and test every six months. A competent person should conduct the thorough inspection and test. It is the employer's responsibility to ensure the competence of the person conducting the test. It is therefore advisable to find a suitable competent person through the tail lift manufacturer.

It is a statutory duty to retain the records of the thorough examination and test for a minimum of two years.

Training: All tail lift users should be trained and a record kept of the training and of the subject matter covered in the course. A suitable training course would address parking and positioning the vehicle, pre use checks, safe operation of the tail lift and manual handling.

HS Britain's Workplace Health and Safety Record
Statistics from the HSE

Statistics released by the Health and Safety Executive (HSE) on the 28th October 2009 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. Across England, Scotland and Wales, 29.3 million working days (equivalent to 1.24 days per worker) were lost to injury and ill health last year - compared with 33.9 million in 2007/08.

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. Comparison with international data shows Britain to be one of the safest places to work in the EU.

Judith Hackitt, Chair of HSE said, "It is really encouraging to see these improvements in the numbers of deaths, injuries and cases of ill health at work over the last year."

HS HSE warning to builders
Scaffolder hits 66,000 volt power line

HSE is warning builders to be careful when working near overhead power cables after a scaffolder was seriously injured on a site in Worcestershire.

An employee was removing a 6 metre guard rail, 4 metres above the ground, when it made contact with the 66,000 volt overhead cable. He suffered burns to 52 per cent of his body and had to have his heart re-started.

Manor Homes (Midlands) Ltd pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act 1974 and was fined £11,985 and ordered to pay £3,000 costs.

G. Wright Scaffolding Ltd, Redditch, was fined £5,985 and ordered to pay £1,500 costs after pleading guilty to breaching section 2(1) of the Health and Safety at Work Act. The Director of G. Wright Scaffolding, Gary Wright, was also fined £5,985 and ordered to pay £1,500 in costs after pleading guilty to section 2(1) by virtue of section 37(1) of the Health and Safety at Work Act 1974.

HS Employee crushed to death
Obstruction topples over forklift truck

The HSE has warned companies to manage transport in the workplace after a man was killed when his forklift truck was obstructed in its path, toppled over and crushed him.

On 10 September, Trackline (International) Ltd was prosecuted and fined £7,500 and ordered to pay £6,690 costs at Lincoln Crown Court.

HSE inspector Jo Anderson said, "If vehicles, including forklift trucks, are to move around in the workplace it is vital that clearly marked gangways are in place and that the risks arising from the loads being carried are controlled."

"Today we have heard how a death could have been avoided. Companies must understand the importance of managing transport in the workplace in order to prevent a tragedy like this happening again in the future."

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

The Kyoto Protocol

EN Plans for reducing greenhouse gases

In December 1997 the Third Conference of the Parties to the United Nations Framework Convention on Climate Change was held in Kyoto, Japan and included over 10,000 participants from governments, intergovernmental organisations, NGOs and the Press. In the Kyoto Protocol, adopted by 171 countries at the conference, structures were put in place to reduce 6 major 'greenhouse gases': carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydro fluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF_6).

Since then, the overall quantity of these greenhouse gases that activities cause to be released into the atmosphere has become the standard measure of a company's or an individual's contribution to the enhanced greenhouse effect. We now have an entire industry, complete with its own ISO standard, thriving on producing carbon footprint data.

As part of the Kyoto Protocol, the UK Government committed to reduce our emissions of greenhouse gases in the period between 2008–2012 to 92% of those produced during 1990. As usual, when the Government commits to something, what they are actually doing is committing everyone else to it, and like it or not, all businesses are going to come under increasing pressure to reduce emissions in order to help the country as a whole meet its Kyoto commitments.

Digital Switchover causes rise in dumped TVs

EN TVs left at waste centres has risen by 70%

The major digital TV switchover currently being phased in across the country has led to a huge increase in the number of TVs being taken to recycling and collection facilities by owners who wrongly believe that they will no longer work. Figures from Cumbria County Council, show that the number of TVs dumped at waste and recycling sites has risen by 70% in the past year despite the fact that most of them could have have been upgraded to receive digital TV signals with the addition of a basic £20 set-top box.

Whilst reusing your old TV will put off the day it goes for recycling and the energy used in its production is lost forever, converting your existing TV to receive digital signals is not all good news for the Environment.

The Energy Saving Trust estimate that a TV with a built-in digital tuner (IDTV) requiring only one power supply, can save 20kg of carbon each year compared to an equivalent analogue TV/set-top box combination.

A spokesperson from Digital UK, which is overseeing the digital switchover, said, "We recognise that some consumers may use switchover as an opportunity to upgrade their TV and dispose of analogue TV equipment sooner than they would otherwise have done. Where they do, Digital UK encourages consumers to buy an IDTV and recycle any old equipment."

Environmental Management 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

EN

Safeguard your business from flooding

Let mhl protect you from the worst

At the time of writing, there were 10 flood risks in force across the UK. With the effects of Climate Change (whatever you believe the cause of that is) being felt, we can expect more extreme weather events in years to come. As an increasing proportion of land is developed and provided with drainage systems that instantly transport rainwater into local rivers and streams, the risk of flooding is set to remain a significant threat to business continuity.

In addition to disrupting production, experiencing a flood can cause catastrophic damage to the fabric of the building, furniture, raw materials, finished goods, vehicles and transport pollutants off site leaving you also liable to prosecution.

What's the risk?

Statistically, your business is more likely to flood than it is to burn down, but sitting as I am on a hill in North Wales, some people are clearly at greater risk than others. With relaxation in planning requirements, many homes and businesses have been built in areas that are at risk from flood. You can ascertain the current risk of flooding, assessed by the Enforcement Authority, by entering your postcode in the 'Flood Map' box on the Authority's website or by calling the Floodline on 0845 988 1188.

What can you do to prepare?

From experience, the Environment Agency estimate that most businesses can save up to 90% of costs associated with losses of stock and movable equipment by taking time to plan in advance for flooding. In the same way that you may prepare a fire action plan, preparing a flood plan will help ensure that your staff know what to do in the event of a flood and have the necessary equipment and training to ensure that damage is avoided or minimised.

If you would like help in doing this, mhl have recently developed a business continuity package that could be useful in protecting your business from avoidable losses from flooding as well as other foreseeable catastrophes. Contact us on 08453 100 600 for more information on this matter.

news update...

Carbon Reduction

Initially, the big energy consumers are being targeted with the introduction of Carbon Accounting Regulations 2009. These Regulations apply broadly to any business that use 3000MW/h of electricity during 2008. Those qualifying under the regulations must produce a Carbon Footprint Report and state how they will deliver savings on their 2008 usage during 2010.

These regulations have teeth and businesses that fail to produce a Carbon Footprint Report, or fail to produce an accurate one, face a £5000 fine. If reduction targets are not met, businesses will need to 'buy' carbon credits from companies who have exceeded their reduction targets via the emissions trading market.

Although the big users are being targeted in the first instance, it is likely that the qualifying threshold for the Carbon Accounting Regulations will reduce over time to capture an increasing number of businesses and so getting to grips with your carbon footprint is a good idea for all.

the news in brief...

Kangaroos Invade Town

The effects of climate change are making the residents of the small Australian town of Thargomindah, in the outback of Queensland, hopping mad. The usually quiet outback town with a population of just 203 is experiencing a nightly invasion of kangaroos and emus desperate to find food and water amidst the worst drought in 50 years.

Seven hundred miles west of Brisbane in Queensland, life for both domesticated and wild animals is becoming increasingly difficult but with kangaroos having reached plague proportions in recent years, farmers are complaining that they are eating any new growth available.

Thargomindah is getting used to the real effects of climate change - it was from this area that a huge dust storm that caused havoc when it blew into Brisbane and Sydney in September originated. But while such dust storms cause temporary disruption, by far the worst effect is the stripping of the topsoil from Australia's farmlands leading to desertification of large areas.

EN

Greener car scrappage

Governments success with reducing carbon dioxide emissions

The UK Government's car scrappage scheme has been a green success according to WhatGreenCar. With orders reaching close to 155,000 since its introduction in April 2009, the latest official data shows buyers are choosing cars that are significantly more eco friendly, with tailpipe carbon dioxide emissions from scrapped cars.

The figures show the average tailpipe carbon dioxide figure for a scrapped car is at least 179kg/ km compared to a 134kg/ km average for cars bought through the scheme. This means a reduction of 45g/ km, which is almost 70g/ km when fuel and vehicle production emissions are taken into account.

EN

Fines for illegal dumping double

How to dispose of your waste properly

Figures just released by the Environment Agency for 2008/09 have revealed that cases of illegal dumping of waste have fallen from 851 during 2007/08 to 818. However, despite this fall in overall convictions, fines for the most serious cases in England and Wales have doubled from £425,000 to £840,000 with the average fine rising from £2800 to £6000.

According to The Environment Agency, the increase in the level of fines reflects just how seriously they are pursuing people who dump waste and the dim view the courts hold of this crime.

So what can you do to ensure that your waste products are disposed of properly and do not find their way onto a local lay-by? All businesses handling waste must be licensed by the Enforcing Authority. Businesses transporting waste will need to hold a Carrier's Registration whilst those receiving waste must hold an Environmental Permit, again issued by the Enforcing Authority. All reputable businesses will be happy to supply a copy of their registration or permit upon request and those that do not, frankly, should not be handling your waste.

It is important that you can prove what happened to your waste and this is also a legal requirement although one that some waste company operatives do not always seem to be fully aware of. Whenever you pass on waste to someone else, you must keep a record in the form of a Waste Transfer Note. These come in books with duplicate copies for the Consignor (the person sending out the shipment), the Carrier and the Consignee (the person finally receiving it). Waste transfer notes must be fully completed, properly exchanged between the various parties and retained for 2 years from the date of transfer.

Carrying out a Duty of Care Audit is the best way of ensuring that you know what is happening to your waste and that it is being handled responsibly. You can do this yourself by using the information on the Enforcing Authority's website or, if you would like this service carried out on your behalf, please contact us for further details.

EN

The 10:10 Campaign

Voluntary scheme to create energy efficiency amongst businesses

A voluntary scheme aimed at raising awareness of energy efficiency issues and ways of reducing waste is about to commerce and is aimed at businesses and private individuals alike. The '10:10' Campaign asks participants to commit to aim for a 10% reduction (whilst guaranteeing at least 3%) across four key contributors to their carbon footprint:

- Grid electricity: This includes all electricity sourced from the national grid;
- On-site fossil fuel use: Gas oil and coal used 'on site';
- Vehicle fuel use: This really applies to vehicles that you control and excludes commuting to work, taxis, on-off hired vehicles, etc;
- Air travel: The aim here is to reduce the carbon footprint of your company's air travel by 10%.

As well as being a great way for you to make your contribution to dealing with enhanced greenhouse effect, signing up to 10:10 will give you the opportunity to look at how, where and when you use energy and look for ways to increase efficiency which will also be good for your bottom line.

Being part of the 10:10 scheme will also be great opportunity for green marketing and a good opportunity to motivate people from within the business to get involved in increasing efficiency. If you wish to sign up for the 10:10 scheme, or require more information, visit the 10:10 website at www.1010uk.org.

If you are considering signing up to 10:10 or would like to save money on your energy use, why not take advantage of a full energy audit of your business, carried out by one of our strategic partners, who are also one of the leading Independent Energy Management Consultants in the UK. For more information on this service, or any other aspect of mhl Environmental, please contact our Environmental Manager, Bill Collins.

the news in brief...

Switzerland increases as glaciers melt

Switzerland has expanded its border at Italy's expense because of melting glaciers in the high Alps. The Swiss Government approved shifting the border up to 150 meters into Italian territory in some areas.

The changes were made after the Swiss Federal Office of Topography found that the watershed, which determined the border in 1942, has moved because of melting glaciers and snow fields.

Topographer Daniel Gutknecht says Switzerland has become "a little bit larger" but added "we won't be correcting the atlas". The Italian embassy in Bern said the change has been approved by Rome."

People Management Training:

How to get a happier, engaged and therefore more productive team

10am-4pm, Tuesday 16th February 2010, Thistle Hotel - Heathrow

Why should I choose this course?

- It will help you to improve your team's performance
- You will be able to handle complex disciplinary meetings less concerned about the repercussions of an employment tribunal
- We will explain how you can reduce absence levels and costs in your teams
- You will learn how to avoid discrimination claims and grievance complaints
- It will enable you to develop a happier, engaged and therefore more productive team

Who should attend?

- Managers with some experience but who would like to refresh their skills
- Anyone looking for reassurance on best practice
- Team leaders and managers who want to understand how to get more from their teams

Course Content

The People Management Training day will provide you with a broad understanding of essential people management and employment law procedure. This includes performance management, discipline, absence management, discrimination and grievance. The course is delivered in a relaxed and informal environment which encourages delegate participation to discuss and resolve any specific challenges you are facing. Alternatively, you are more than welcome to just listen and absorb the discussions according to your personal preference.

The details

Venue:
Thistle Hotel London Heathrow, Bath Road, Longford, West Drayton, UB7 0EQ

Course Duration: 10:00am – 4:00pm, 16th February

Fee: £125 per delegate

Certification: Certificate of Attendance

Tea, coffee and a buffet lunch are included.

Feedback from delegates who have attended previous Open Training Days...

"Really enjoyed the course and will be in touch regarding some in-house training sessions later in the year.

Very useful - *enabled me to reflect on issues happening in the office and how to approach them in the future.*"

Call today to book your place
08453 100 600