

Welcome to the latest edition of our newsletter for all your health and safety updates.

DISABILITY DISCRIMINATIONS ACT 2005 & MENTAL HEALTH

Since the introduction of the DDA 2005 employers have been required to make adjustments for conditions such as phobias and depression.

Since 1996 employers have been required not to discriminate against employees or job applicants with disabilities and to make reasonable adjustments to allow them to carry on working or to take up new positions.

One important area overlooked by many employers is **now** the inclusion of mental illnesses within the Act which are not 'clinically recognised'.

The DDA has always covered mental disabilities, but the new definition will cover many more conditions. As mental illness affects around 25% of people at some time in their lives, it is likely to be the form of disability that employers are more likely to have to consider.

The change in the legislation



means employers will have to take account of conditions ranging from stress related illnesses to less well known mental health conditions such as obsessive compulsive disorder and extreme phobias.

Any applicant or employee's condition has to be long term lasting 12 months or more and actually affect the individual's ability to carry out day to day activities.

Employers can help employees with mental illness by:

- Preparing a well-being/stress policy.
- Creating a working environment which will not harm the mental health of the

workforce i.e. by tailoring their job role, ensuring a comfortable working area and assessing their own needs.

- Monitor individuals to identify signs of distress and mental ill health, this could be achieved by completing a confidential questionnaire and then undertaking risk assessments for affected individuals.
- Have a return to works programme which could include counselling and one to one sessions for individuals.

For further information on stress policies or the updated DDA 2005 please contact the office on 01604 654 111.

EDITORIAL COMMENT

HOW DO THE CHANGES TO THE DDA 2005 AFFECT EMPLOYERS?

The changes to the Act mean employers and employees are better protected from having to attend employment tribunal cases. The Act means that

employers can have a clearer understanding of what mental health issues are covered and how they can help employees. Employees going to a tribunal know which areas of mental health they are covered for. Previously tribunal cases were thrown out because medical notes were vague and were therefore not sufficient to

establish whether the applicant had a well recognised condition.

By including conditions which are not 'clinically recognised' the government is clearly intending to protect more people with mental health and to reduce employer's chances of contesting workers claims that their conditions are covered by the act.



STORY 1

Noise at Work Regs in Force.



STORY 2

Smoking Ban in Public Places Agreed



STORY 3

Co-operative Group Fined £45,000

NOISE AT WORK REGULATIONS 2005 - COME INTO FORCE

The Control of Noise at Work Regulations 2005 came into force on 6th April 2006 and will replace the current Noise at Work Regulations.

The new Noise at Work Regulations 2005 requires employers to prevent or reduce risks to health and safety from exposure to noise at work.

Employer will be required under the new regulations to:

- Assess the risks to employees from noise at work.
- Take action to reduce noise exposure that produces such risks.
- Provide employees with hearing protection, if the level of noise exposure can not be reduced by other methods.
- Make sure the legal limits on noise exposure are not exceeded.
- Provide employees with information, instruction and training.
- Carry out health surveillance where there is a risk to health.

Employers in the music and entertainment sector have until April 2008 to comply with the new regulations in the meantime

they should still comply with the Noise at Work Regulations 1989.

The NAWR 2005 requires employers to take specific action at certain action values. These relate to:

- The levels of exposure to noise your employees averaged over a working day or week.
- The maximum noise (peak sound pressure) to which employees, are exposed to in a working day.
- Lower exposure levels are daily or weekly exposure of 80 db and a peak sound pressure of 135 db.

In addition there are levels of exposure which **must not** be exceeded:

- Daily or weekly exposure of 87 db and a peak sound pressure of 140 db.

The exposure limit values take account of any reduction in exposure provided by hearing protection.

For further information on the new Noise at Work Regulations 2005 please contact the office on 01604 654 111.



TRAINING COURSES



Positive Steps run a variety of training courses which include fire safety awareness training, manual handling training, DSE awareness training, basic health and safety training, disability awareness training and fire warden training. All our courses can be delivered at our premises in Moulton Park or at your own company's premises. Prices range from £350.00 + VAT _ day course to £600.00 + VAT for a full days training. Costs include refreshments, training packs, certificates and ongoing support. For more information please contact the office.

SMOKING BAN AGREED IN ALL ENCLOSED PUBLIC SPACES



MP's have finally voted for a total ban on smoking in all enclosed public spaces including workplaces such as offices, pubs, restaurants and bars.

The ban is likely to come into place mid next year after the valentines day vote where MP's opted for a blanket ban by a majority of 384 votes to 184.

ASH (Action on Smoking & Health) said "this vote will save thousands of lives as non-smokers

are protected from other peoples smoke, and as smokers quit in their hundreds of thousands.

The TUC General Secretary hailed a "victory for those with workers health interests at heart". He said "working with health campaigners and parts of the hospitality business and unions have persuaded MP's that employees should enjoy a smoke free workplace from summer 2007.

RECENT CASE LAW IN BRIEF

Co-operative Group (CWS) fined a total of £45,000 after fireworks exploded in a storeroom causing extensive damage.

Retail giant Co-operative Group CWS has been fined a total of £45,000 after fireworks exploded at its shop in Slough.

East Berkshire Magistrates were told that CWS had issued 180kg of fireworks to a store in Slough. The company had provided a glass display cabinet for the goods to the front of the shop and a metal storage cabinet for use in the rear of the store.

During an inspection by officers from Slough Borough Council it was found that the glass display cabinet was empty and the local store manager had decided to fit all the fireworks into the metal cabinet at the rear of the store which was located within the electrical plant room instead of an appropriate store room.

Due to the number of fireworks and lack of room within the metal cabinet a number of fireworks were placed on top of the cabinet instead of in it. On 14th October 2004 the fireworks ignited when an electrical compressor unit overheated. The store had to be evacuated. Serious damage to the store was caused by the ensuing fire.

Thomas Kilduff the prosecuting inspector at Slough Borough Council stated "If the fireworks hadn't been on top of the cabinet they wouldn't have ignited". "The incident was down to bad local management, the right



equipment had been supplied to the store, but it was badly placed and not used".

CWS was fined:

- £20,000 for breaching s3(1) of the Health & Safety at Work etc. Act 1974.
- £15,000 for breaching s2(1) of the HSWA 1974 by not ensuring the health and safety of the public and employees.
- £10,000 for breaching s2(2) of the HSWA 1974 for failing to handle and store fireworks safely.

All fines were ordered to be paid within 28 days. No costs were applied for.

CWS had indicated in a letter to the council that it had generic risk assessments and other electronically robust operating procedures, although there was a failure to implement these locally.

This case highlights the need to ensure that employees are trained in health and safety procedures, ensure that site specific risk assessments are carried out and that procedures and processes are monitored regularly.

RRO 2005 DELAYED

The Regulatory Reform (Fire Safety) Order 2005 which was due to come into force in April 2006 is now not likely to appear until October 2006.

In a written statement released by the Office of the Deputy Prime Minister in January – Fire Safety Minister Jim Fitzpatrick commented that "despite extensive work with all stakeholders it is clear that all the

guidance documents will not be ready for a full 12 week gap between publication and coming into force on 1st April 2006we have therefore concluded that the coming into force of the RRO should be put back". We will keep you informed as to the proposed changes should you have any queries in the meantime then please contact Paul on 01604 654111.

Q & A: IN THIS EDITION WE HAVE A LOOK AT METHOD STATEMENTS

We were refused a contract because we didn't have a method statement – what is this?

A method statement is a document which:

- Sets out how a specific job or process will be carried out.
- The control measures that need to be followed to ensure that it is undertaken safely.
- Should identify any hazards which may be present in the job and the precautions that need to be taken to deal with them.
- Should state whether your work will be compatible with other contractors working on site.
- Generally the method statement should be checked by the company for whom you are proposing to work prior to the commencement of work on site in order to ensure that suitable health and safety arrangements are in place.

Can anyone draft a method statement?

Method statements should be drafted by someone with suitable knowledge and experience of the work to be carried out and the method to be used whilst working upon a client's premises.

The person drafting the method statement should have suitable and sufficient knowledge of health and safety legislation and the requirements placed on companies when tendering for projects. Method statements should explain fully to the client exactly how the work will be carried out including work to be carried out via sub-contractors. Such statements should be drafted by persons who are health & safety qualified.

POSITIVE STEPS UPDATES

RECRUITMENT

Positive Steps are pleased to announce that we have recruited a new office manager Sue Harrison. Sue will be responsible for liaising with clients with regards to arranging appointments as well as other office duties. Sue previously worked at a private healthcare hospital as a PA and we believe she will be a valuable asset to the business.

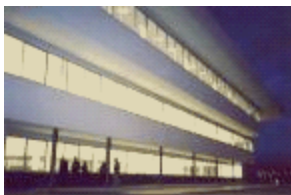
ACCOUNTS MANAGER

Jo Walton has moved from being our Office Manager to our Accounts Manager. Jo is responsible for liaising with clients with regards to invoicing and other payment enquiries.

OFFICE EXPANSION

Due to our continuing success we have taken on an additional office within Newton House as well looking to recruit two additional consultants in the summer of this year.

FOCUS ON MANAGING AGENTS RESPONSIBILITIES



Managing agents and landlords have a statutory duty to protect the health, safety and welfare of any persons working within or

accessing through the areas for which they manage. This can include corridors, welfare facilities, use of passenger lifts, car park etc.

Positive Steps have produced an information booklet for managing agents which; covers legislation which applies within the common areas of the premises for which you are responsible as well as the statutory inspections which are required to be carried out for lifts, boilers and other plant and equipment.

The booklet is available free of charge by contacting the office on 01604 654 111.

Positive Steps have exceptional experience in assisting managing agents and landlords and we can provide a range of bespoke services where required which can include risk assessments, fire safety risk assessments, disabled access audits, site specific health and safety manuals as well as training for surveyors on health and safety awareness in managed premises, lone workers safety etc.

For more information please contact Paul or Victoria on 01604 654111.

PLEASE NOTE: ALL OUR CLIENTS HAVE ACCESS TO A TRAINED CONSULTANT 24 HOURS A DAY AT NO ADDITIONAL CHARGE.

TO ACCESS PREVIOUS COPIES OF OUR NEWSLETTER PLEASE VISIT THE HOMEPAGE ON OUR WEBSITE

EFFECTIVE HEALTH AND SAFETY MANAGEMENT STARTS WITH A POSITIVE STEP...

Positive Steps was founded on the basis that health and safety should help, not hinder the growth of a business. By understanding your company's aims and objectives we can identify workable solutions to meet your everyday and long term health and safety goals.

Our service based approach will enable your company to make the welfare of employees, contractors and clients a core part of your business aspirations.

We offer a comprehensive range of safety management services some of which are detailed below:

- Access to Chartered Health & Safety Practitioners
- Health and Safety Risk Assessments
- Fire Safety Risk Assessments
- Disabled Access Audits
- Company Health and Safety Policy
- Display Screen Equipment Assessments
- Health & Safety Audits
- Health and Safety Training, including basic health and safety, fire safety awareness and fire warden training, disability awareness training, manual handling and DSE assessors training.
- Method statements
- Contractors Approval Scheme

For further information on any of our services, please call **01604 654111** or e-mail **office@positive-steps.net**, one of our consultants will be happy to assist.



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