

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

## Office Christmas parties - health & safety risks



The season of goodwill is almost upon us and the office Christmas party booked but how do you ensure that you eliminate the health and safety hazards?

The following points are provided as guidance:

- Carry out a health and safety risk assessment for the premises which the party is to be held, identifying any potential hazards and risks.
- Set a "party" policy on what is and what isn't acceptable behaviour, this could be a list of what is considered acceptable (i.e. drinking but not to excess) and what isn't (i.e. sexual harassment, fighting) and this should be issued to employees before the party.
- Make employee's aware that disciplinary procedures will be taken on employees who ignore the guidelines.
- Limit the amount of alcohol – employer's who supply alcohol or encourages its consumption

may be legally responsible for the welfare of employees who suffer from drink induced accidents – even if they occur after the party ends.

- Management/Bosses should avoid discussing promotions, salaries or proposed prospects with employees who may use the relaxed atmosphere to gain additional benefits – such talk should be saved for a formal appraisal.
- Employers are responsible for employees who have consumed alcohol which they have provided and therefore management/bosses should ensure that all employees are aware that they should not drink and drive – arrangements could be made for a coach or mini-bus to pick up employees or provide employees with cards for local taxi firms in order to demonstrate that 'reasonable steps' have been taken by the company in order to ensure that employees get home safely.



- Remove the mistletoe – this is a perfect opportunity for office flirts to harass other colleagues whilst this may seem nothing more than a festive fling it could have serious implications if the attention is unwanted and lead to accusations from either party involved.
- Ensure that the venue you are using is suitable for the party required, that fire escape routes are clear and unlocked and that accessible facilities are available for employees who are disabled.

For further information on health and safety at office parties then please call the office on 01604 654 111.

## Editorial Comment

### Be safe not sorry

It probably seems like health and safety is simply here to stop everyone having fun – but Employer's are vicariously liable for their employees behaviour if it takes places as part of their employment and whether it is

held at the office or within a hotel, bar or club outside of normal working hours. By undertaking a risk assessment for the venue at which the party is to be held and identifying the hazards and risks which employees may be exposed to, management have an opportunity to put in place procedures, guidelines and

arrangements to ensure a safe yet fun party atmosphere, thereby reducing alcohol fuelled incidents, claims of sexual harassment and accidents caused by employee's drink driving.



# Carbon monoxide holiday disaster



Thomas Cook is carrying out their own internal investigations into the deaths of two children who were killed by carbon monoxide poisoning in a hotel in Corfu.

Christianne Shepard, seven and her brother Robert six were found dead in their hotel room which they were staying in with their father and partner, both of whom survived.

The charges of negligent manslaughter are being considered against the Corcyra Palace Hotel, the hotel manager, its maintenance manager and air conditioning technician, police sources stated.

The police investigation is centred round a gas boiler located adjacent to the family's room and experts are now carrying out an examination of the boiler, the air conditioning and water heater systems.

Thomas Cook, the company which the family were travelling with said that the latest audit of the hotel showed that "the property met all of the Federation of Tour Operators requirements".

Thomas Cook also stated that it has stringent and robust procedures in place to ensure

the health and safety of all its customers at the properties they promote.

Thomas Cook as a precautionary measure moved all its remaining guests from bungalows and offered to place them in alternative hotels.

All parties involved in this tragedy will need to audit their own systems and be audited in order to identify failings within any management systems in place.

## What is carbon monoxide?

If appliances are not properly installed and adequately maintained by a competent CORGI registered installer the gas may not burn properly meaning CO fumes are released.

You can not see, smell or taste CO fumes and this therefore leaves anyone exposed feeling unwell. Continued exposure can result in fatality.

Symptoms of CO poisoning can include

- Tiredness.
- Drowsiness.
- Headaches and breathlessness.

Approximately 20 people die every year from CO poisoning

associated with gas appliances. Landlords should be aware that they have a duty to ensure that any boilers for which they are responsible within residential and commercial premises must have an annual gas safety check carried out by a CORGI registered engineer under the following pieces of legislation:

- 'The Gas Safety (Installation & Uses) Regulations 1998

In addition responsibilities are placed on those installing, servicing, maintaining or repairing gas appliances. Landlords, managing agents and those responsible for boilers within premises where they are the duty holder should ensure that competent CORGI registered engineers are used within their premises, that they obtain evidence of the engineer's status and that any recommendations made with regards to the condition of the boilers or gas appliances are met.

For further information on the requirements of persons in control of premises and the safety of gas appliances please contact the office.

## Fit employee's take less sick leave



The Sports Council for Wales is encouraging employers to use physical activity to promote health and well-being.

The promotion aims to reduce adverse health-related outcomes including sickness absence.

The Physical Activity Task Force (2003) found that physically active employee's takes 27% fewer days sick leave which equates to over two days improved attendance at a saving of around £135.00 per employee, per year.

The Sports Council has set aside

funds to assist businesses within Wales from both the public and private sector.

Funding is available for showers and changing facilities, bike racks and shelters, equipment such as badminton posts, table tennis tables, and the refurbishment of office space to allow for fitness suites and gyms. It will be interesting to see if the English Sports Council also considers this approach – we will keep you posted.

# Recent Case Law in Brief

Bupa Care Homes fined £90,000 after the death of a 95 year old woman in their care

Bupa Care Homes Limited has been fined £90,000 and ordered to pay costs of £19,247 to the HSE following a prosecution by the HSE after the death of a 95 year old woman in their care.

Mrs Charlotte Wood of Mottingham became a resident in the Bupa Abbotsleigh Mews Residential and Nursing Home in Sidcup, Kent in 2001.

Mrs. Wood was unable to walk or move independently. On the 28<sup>th</sup> November 2003 Mrs Wood slipped from a Sarita hoist which was used to get her in and out of the bath. She fractured her shoulder and was taken to hospital.

Whilst waiting for surgery on her shoulder, Mrs Wood contracted pneumonia and subsequently died on the 2<sup>nd</sup> December 2003.

The HSE Inspector Hazel McCallum following the sentencing said "All too often we hear of cases where vulnerable, elderly people are not afforded the standard of care they deserve because the systems in place are not properly followed. The tragedy is that Mrs Wood's death was entirely avoidable".

The HSE investigation found that the care assistant who was assigned to Mrs Wood's had only been employed by BUPA



for about six weeks and she had not received training in the type of hoist used.

Risk assessments and procedures on the safe bathing of patients and manual handling were not brought to the attention of care assistants. The supervision of carers in carrying out lifting operations was found to be inadequate.

BUPA were found guilty under Section 3 (1) of the Health and Safety at Work etc. Act 1974 for failing to provide a duty of care to persons not in their employment but who may be affected by the company's activities.

This legal challenge highlights the need by employers to ensure that any policies and procedures drafted are trained out to all staff in order that all members of staff are following the company's procedures.

This case also highlights the need to ensure that new employees receive full and suitable supervision.

Q & A: In this edition we have a look at health & safety training requirements

Our company has a health and safety policy in place are we required by law to train our staff in our policies and procedures? Yes there is a requirement to provide all staff with health and safety training in relation to their work activities including those specific to their job role for example this can cover areas such as manual handling, display screen equipment, use of personal protective equipment, fire safety, lone working etc. The requirement is placed on employers under the following piece of legislation:

- The Health & Safety at Work etc. Act 1974.

## Who should carry out our health and safety training?

Health and safety training should be carried out by someone within the company or an external consultant who is classed as 'competent' this could be someone who has relevant health and safety qualifications such as:

- The NEBOSH diploma part 2.
- NVQ level 4 and Graduate membership of IOSH.
- Technician level (IOSH) coupled with relevant experience.
- Chartered or fellow membership of IOSH

Trainers should have relevant experience and be knowledgeable in the field of health and safety. This will ensure that employees receive suitable and sufficient training in the company's policies and procedures which is an essential step in promoting a positive safety culture. In addition effective training is a significant factor in the reduction of unnecessary accidents and incidents in the workplace. For details of our training courses please contact the office.

## Disability equality duty

The disability equality duty comes into force on 4<sup>th</sup> December 2006 and places a requirement on public authorities to promote an equality of opportunities for disabled persons.

The requirement places a duty on public authorities to publish a disability equality scheme, involve disabled persons in producing the scheme and

action plans, demonstrate actions they have taken and the outcomes; report on progress and review and revise the scheme. For further information please contact the office on 01604 654 111.



# Positive Steps Updates

Positive steps would like to wish all our readers a very happy Christmas & a prosperous new year

We would like to thank all our clients for their continued business this year and we hope to continue working together in 2007.

In the meantime have a very happy, healthy and safe Christmas! With best regards

*Victoria, Paul, Jo, Sue, Sandy & Carina*



## Four million people affected by toilet phobia



The National Phobic's Society estimates that around 4 million people within the UK are affected by toilet phobia. In some cases people refuse to leave their own homes and risk their health by not

using public toilets.

Toilet phobia can range from a simple dislike of using public toilets to a more serious and intense obsession where people simply refuse to leave the house in the fear that they may need to go to the toilet.

Suffers may deny themselves fluids which can harm the kidneys or take drugs to simply avoid having "accidents". Many sufferers will not take on a job if a toilet is located off a communal area where they may be observed going in or out of the toilet.

### Conditions behind toilet phobia

Several conditions are thought to be behind toilet phobia and these include:

- Obsessive Compulsive Disorder linked to a fear of contamination.
- Agoraphobia an anxiety disorder which can lead to a feeling of being trapped.
- Paruresis ('shy bladder' syndrome) the fear of urinating in the company of others.

The National Phobic's Society is launching a campaign to tackle the issues of toilet phobia.

Things to consider to assist persons with this phobia include ensuring that accessible WC's are provided which are separate to the general WC's, providing full length doors to cubicles, providing cubicles as well as urinals within male toilets.

## 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](mailto:office@positive-steps.net), one of our consultants will be happy to assist.



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